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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention of
Discrimination and Protection
of Minorities
Fifty-first session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The fifty-first session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will be held at the United Nations Office at Geneva from 2 to 27 August 1999. The first meeting will be convened at 10.30 a.m. on Monday, 2 August 1999.

Provisional agenda

2. The provisional agenda,* prepared in accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council, is reproduced below.

Inter-sessional and pre-sessional working groups

3. In accordance with previous decisions, the fifty-first session of the Sub-Commission will be preceded by meetings of four working groups as follows:

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* Based on the draft provisional agenda for the fifty-first session of the Sub-Commission as contained in the report of the Sub-Commission on its fiftieth session (E/CN.4/1999/4-E/CN.4/Sub.2/1998/45, para. 288).

(a) Working Group on Minorities, established pursuant to Economic and Social Council resolution 1995/31 of 25 July 1995. This working group of five members of the Sub-Commission will meet for five working days, from 25 to 31 May 1999;

(b) Working Group on Contemporary Forms of Slavery, established pursuant to Economic and Social Council decision 16 (LVI) of 17 May 1974. In accordance with the arrangements endorsed by the Commission on Human Rights in its resolution 1993/27 of 5 March 1993, this working group of five members of the Sub-Commission will meet for eight working days prior to the fifty-first session of the Sub-Commission, from 23 June to 2 July 1999;

(c) Working Group on Communications, established pursuant to paragraph 1 of Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970. This working group of five members of the Sub-Commission will meet for two weeks prior to the fifty-first session of the Sub-Commission, from 19 to 30 July 1999;

(d) Working Group on Indigenous Populations, established pursuant to Economic and Social Council resolution 1982/34 of 7 May 1982. This working group of five members of the Sub-Commission will meet for one week prior to the fifty-first session of the Sub-Commission, from 26 to 30 July 1999.

In-session working groups

4. Since its thirty-fourth session in 1981, the Sub-Commission has established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. At its forty-sixth session in 1994, the Sub-Commission established a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

5. The Sub-Commission may wish to consider establishing such a sessional working group at its fifty-first session.

6. At its fiftieth session, the Sub-Commission, in resolution 1998/8, decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations.

7. The annotations to the items listed in the provisional agenda will be issued as an addendum to the present document.

Provisional agenda

1. Organization of work:

   (a) Election of officers;

   (b) Adoption of the agenda;

   (c) Methods of work of the Sub-Commission.

2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).

3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

   (a) Situation of migrant workers and members of their families;

   (b) Xenophobia.

4. The realization of economic, social and cultural rights:

   (a) The international economic order and the promotion of human rights;

   (b) The realization of the right to development;

   (c) The question of transnational corporations;

   (d) The realization of the right to education, including education in human rights.

5. The implementation of human rights with regard to women:

   (a) Traditional practices affecting the health of women and the girl child;

   (b) The role and equal participation of women in development.

6. Contemporary forms of slavery.

7. Human rights of indigenous peoples:

   (a) Indigenous peoples and their relationship to land.

8. Prevention of discrimination against and the protection of minorities.

9. The administration of justice and human rights:

   (a) Question of human rights and states of emergency;

(b) Application of international standards concerning the human rights of detained juveniles;

(c) Gross and massive violations of human rights as an international crime;

(d) Juvenile justice;

(e) Privatization of prisons;

(f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families.

10. Freedom of movement:

(a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution;

(b) Human rights and population displacements.

11. Situation regarding the promotion, full realization and protection of the rights of children and youth.

12. Review of further developments in fields with which the Sub-Commission has been or may be concerned:

(a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels;

(ii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions;

(b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine:

(i) Implications of humanitarian activities for the enjoyment of human rights;

(ii) Terrorism and human rights;

(c) Human rights and disability;

(d) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights;

(ii) Arbitrary deprivation of nationality.

13. Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).

14. Concluding items:

(a) Consideration of the future work of the Sub-Commission;

(b) Draft provisional agenda for the fifty-second session of the Sub-Commission;

(c) Adoption of the report on the fifty-first session.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Fifty-first session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General*

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* These annotations are based upon the provisional agenda of the fifty-first session of the Sub-Commission with the addition of the indicative subheadings dividing the text of the annotations for ease of reference.

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Item 1. Organization of work

Sub-item (a) Election of officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Sub-item (b) Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1999/1.

3. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1).

4. As a result of those decisions, the Sub-Commission considered the following items on a biennial basis:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Human rights and disability;

(d) Human rights and scientific and technological developments;

(e) Encouragement of universal acceptance of human rights instruments.

5. In its resolution 1993/22, the Sub-Commission decided to remain seized of the question of the human rights of disabled persons and to deal with it each year.

6. Pursuant to Sub-Commission resolution 1995/26 (para. 1) and Commission on Human Rights resolution 1995/86, the human rights of women and girl children are to be considered under all items of the agenda.

Sub-item (c) Methods of work of the Sub-Commission

Organization of work

7. At its forty-sixth session, the Sub-Commission, in its decision 1994/103, decided to observe a minute of silence in honour of victims of all forms of violations of human rights in all regions of the world at its forty-sixth session, as well as at the commencement of its future annual sessions.

8. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. By its decision 1994/104, the Sub-Commission decided, inter alia, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention. The Sub-Commission may wish to consider establishing such a sessional working group at the present session.

9. At its fiftieth session, the Sub-Commission, in resolution 1998/8, decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, to examine the working methods and activities of transnational corporations (see also paras. 90-91 below).

10. When considering the organization of its work, the Sub-Commission may wish to refer to the annex to its resolution 1992/8 containing the guidelines concerning its methods of work, in particular to guidelines Nos. 13 (Schedule of meetings), 14 (Order of statements), 15 (List of speakers) and 16 (Speaking time) and to its decision 1997/112 concerning the criteria for new studies. (See also paras. 12-16 and 23 below.)

Methods of work

11. The Economic and Social Council, in resolutions 1983/32, 1986/35 and 1991/32; the Commission, in resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43, 1989/36, 1990/64, 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25, 1997/22, 1998/28 and 1999/81 and decisions 1986/102 and 1994/103; and the Sub-Commission, by resolutions 1983/21, 1984/37, 1985/24 and 1992/8 and decisions 1990/101, 1991/117, 1994/117, 1995/112, 1995/113, 1995/114, 1995/115, 1996/112, 1996/113, 1996/114, 1996/115, 1997/112 and 1997/113, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role and methods of work. In its resolutions 1991/56, 1992/66, 1993/28, 1994/23, 1995/26, 1996/25, 1997/22, 1998/28 and 1999/81, the Commission requested the Chairmen of the Sub-Commission to report to the Commission. The Chairpersons of the Sub-Commission submitted their reports to the Commission at its forty-eighth (E/CN.4/1992/46), forty-ninth (E/CN.4/1993/60), fiftieth (E/CN.4/1994/70), fifty-first (E/CN.4/1995/83), fifty-second (E/CN.4/1996/81), fifty-third (E/CN.4/1997/79), fifty-fourth (E/CN.4/1998/88) and fifty-fifth (E/CN.4/1999/84) sessions.

12. At its forty-fourth session, the Sub-Commission, in its resolution 1992/8, having taken note of the report of the inter-sessional Working Group on the methods of work of the Sub-Commission, decided to annex to that resolution the document entitled "Guidelines which the Sub-Commission adopted at its forty-fourth session concerning its methods of work, pursuant to paragraphs 6 and 7 of Commission on Human Rights resolution 1992/66".

13. At its forty-sixth session, the Sub-Commission established a sessional working group on methods of work. In its decision 1994/117, the Sub-Commission decided to adopt the report of its sessional working group on methods of work (E/CN.4/Sub.2/1994/3), including its recommendations, which should be strictly adhered to.

14. The recommendations of the working group on methods of work regarding agenda item 6 (now item 2) dealing with violations of human rights, as approved by the Sub-Commission, were as follows:

"1. Speaking time

"(a) As a guideline supplementary to guideline No. 16, maximum speaking time under agenda item 6 shall, for all observers, be determined by dividing equally the time allocated to observers by the number of speakers who have signed up before the closure of the list. The closure should be set at 1800 hours on the day before the opening of the debate on agenda item 6. Should several observers on the list subsequently agree to make a joint statement, the time of the chosen speaker can be extended. Two meetings shall be allocated for the presentations by the observers referred to above.

"(b) The rule under (a) also applies to government observers who wish to provide information on human rights developments in their country, provided they have signed up before the closure of the list mentioned. Government observers should normally avoid - under agenda item 6 - addressing human rights situations in countries other than their own.

"(c) Speaking time for government observers exercising a right of reply is additional to time used by that observer Government under (b) and shall be a maximum of five minutes, unless the number and content of allegations directed against that Government warrant the allocation of more time, to be decided by the Chairman at the request of the observer concerned. Rights of reply shall normally be made after the exhaustion of the list of speakers mentioned under (a), but can, in exceptional circumstances with the permission of the Chairman, be made earlier.

"2. Allocation of time and sequence of speaking

"The allocation of time under agenda item 6 shall be based on the principle that observers on the list mentioned under point 1 (a) speak first, until the list is exhausted, followed by government observers exercising their right of reply. Members of the Sub-Commission should normally speak at the end, it being understood that government observers can also exercise their right of reply to statements made by members of the Sub-Commission."

15. In its decision 1995/112, the Sub-Commission adopted, on an experimental basis, the following rulings concerning its methods of work:

(a) All statements in exercise of the right of reply should be made only at the end of the debate on each agenda item;

(b) Denunciations of cases of violations of human rights and specific accusations made under item 6 (now item 2) cannot be repeated under another item of the agenda.

16. In its decision 1995/113, the Sub-Commission decided to continue the practice of considering its agenda item dealing with violations of human rights at the beginning of the session, starting on the day following the adoption of the agenda.

17. In its decision 1996/114, the Sub-Commission, mindful of the need for and merit of having a consolidated set of the rules of procedure fully applicable to it, decided to entrust Mr. Ribot Hatano with the task of preparing a working paper relating to the methods of work of the Sub-Commission which would contain: (a) a compilation of the existing guidelines, decisions and any other instruments applicable to the procedures of the Sub-Commission; and (b) a list of the procedural questions which need to be resolved by the Sub-Commission. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1997/3). At its fiftieth session, the Sub-Commission had before it a revised working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1998/3).

18. At its fiftieth session, the Sub-Commission, in its decision 1998/108, requested Mr. Hatano to take into account the comments received, the remarks made on this subject during the fiftieth session and the note by the Chairman on enhancing the effectiveness of the Sub-Commission (E/CN.4/Sub.2/1998/38) in preparing a further revision of his working paper to be submitted to the Sub-Commission at its fifty-first session. The Sub-Commission decided to consider the new revised working paper at its fifty-first session on a priority basis in private meetings, and to complete its examination of the working paper at the fifty-first session.

19. At the present session, the Sub-Commission will have before it the final working paper prepared by Mr. Hatano (E/CN.4/Sub.2/1999/2).

20. In its decision 1997/113, the Sub-Commission decided not to adopt resolutions or decisions henceforth under the agenda item entitled "Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)" in respect of human rights situations which the Commission on Human Rights was considering under the public procedures for dealing with human rights violations.

21. At the present session, the Sub-Commission will have before it a note by the Secretary-General containing a list of human rights situations currently being considered by the Commission on Human Rights under public procedures (E/CN.4/Sub.2/1999/3).

22. In its decision 1994/103, entitled "Enhancing the work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities", the Commission inter alia requested the Sub-Commission to present its recommendations to the Commission, insofar as appropriate, in the light of the guidelines adopted by the Sub-Commission at its forty-fourth session concerning its methods of work (resolution 1992/8), as well as the need for the Sub-Commission to improve its deliberative processes, to avoid overloading

its agenda with materials that are not adequately discussed and to establish priorities in its work, in particular to leave adequate time and resources for the consideration of new developments in the field of human rights.

23. The Commission on Human Rights, at its fifty-fifth session, adopted resolution 1999/81, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, inter alia, reaffirmed that the Sub-Commission could best assist the Commission on Human Rights by providing it with:

(a) Independent expert studies carried out by its members and under its auspices;

(b) Recommendations based on, and after full consideration of, those studies;

(c) Studies, research and expert advice at the request of the Commission.

The Commission welcomed the steps undertaken by the Sub-Commission to reform and improve its methods of work, including by the adoption of a restructured agenda at its fiftieth session, and invited the Sub-Commission to enhance its efforts to improve on its methods of work, inter alia, by:

(a) Setting up a work plan for its fifty-first session, containing priorities for future work;

(b) Setting a time-frame for consideration of its methods of work, as well as a target date of not later than the fifty-seventh session of the Commission on Human Rights for reporting to the Commission on its method of work;

(c) Proposing measures to enhance further the independence and expertise of its membership.

The Commission requested the Sub-Commission to continue its efforts to avoid duplication with the work of the Commission on Human Rights, and also requested it further to improve on its methods of work by:

(a) Focusing on its primary role as an advisory body to the Commission on Human Rights;

(b) Giving particular attention to the selection of studies, focusing its attention on how and where the implementation of existing standards can be improved;

(c) Respecting strictly the principles of independence, impartiality and expertise;

(d) In view of the budgetary situation of the Office of the United Nations High Commissioner for Human Rights, doing its utmost to limit requests for the creation of new working groups;

(e) Facilitating efficient and effective participation of non-governmental organizations;

(f) Considering fully studies and working papers by special rapporteurs and its members before sending them to the Commission;

(g) Focusing strictly on questions relating to human rights in accordance with its mandate.

The Commission requested the Sub-Commission to devote sufficient time at its fifty-first session to discussion of its working methods. It authorized the Sub-Commission to organize its fifty-first (four-week) session so that it should not hold more than 30 public meetings and decided that the Sub-Commission should meet in closed session to consider the implementation of that resolution and other appropriate issues.

The Sub-Commission was requested to report to the Commission on Human Rights at its fifty-sixth session on the results of its consideration of its methods of work.

The Commission invited its Chairperson to address the Sub-Commission at the opening meeting of the fifty-first session of the Sub-Commission on the debate that had taken place in the Commission under this item.

Lastly, the Commission requested the Chairperson of the fifty-first session of the Sub-Commission to report to the Commission at its fifty-sixth session.

Interpretation of rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council

24. At its forty-second session, the Sub-Commission decided to suspend temporarily rule 59 of the rules of procedure for the purpose of protecting the independence of experts during the time necessary to vote on the draft resolutions under its agenda items dealing with violations of human rights (decision 1990/105) and communications concerning human rights (decision 1990/111).

25. At the same session, the Sub-Commission adopted resolution 1990/4, in which it recommended to the Commission the adoption of a draft resolution recommending that the Economic and Social Council should add the following footnote to rule 59 of the rules of procedure of its functional commissions:

> "It is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities will vote on resolutions pertaining to allegations of violations of human rights in countries by secret ballot."

26. At its forty-seventh session, the Commission, in its resolution 1991/81, recommended to the Council that it interpret rule 59 of the rules of procedure as follows: it is understood that the Sub-Commission on Prevention of Discrimination and Protection of Minorities may vote on resolutions pertaining

allegations of violations of human rights in countries by secret ballot, hen it so decides by a majority of its present and voting members. This ecommendation was adopted by the Economic and Social Council at its first egular session of 1991, in its resolution 1991/32.

7. At its forty-fourth session, the Sub-Commission, in its ecision 1992/105, decided, pursuant to Economic and Social Council esolution 1991/32, to vote on resolutions, decisions and any proposals f a substantive nature under agenda item 6 (now item 2) dealing with iolations of human rights by secret ballot whenever a vote was requested hereon.

8. At its forty-sixth to fiftieth sessions, the Sub-Commission, in its ecisions 1994/110, 1995/106, 1996/105, 1997/106 and 1998/102, decided to vote y secret ballot, whenever such a vote was requested, on proposals pertaining o allegations of violations of human rights in countries under any agenda tem, including proposals of a procedural nature relating to proposals of a ubstantive nature.

mplementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission n Human Rights

9. In its resolution 8 (XXIII) of 16 March 1967, the Commission on Human ights, inter alia, requested the Sub-Commission to prepare, for the use of he Commission in its examination of that question, a report containing nformation on violations of human rights and fundamental freedoms from ll available sources (para. 2). The Commission further invited the ub-Commission to bring to the attention of the Commission any situation which t had reasonable cause to believe revealed a consistent pattern of violations f human rights and fundamental freedoms, in any country, including policies f racial discrimination, segregation and apartheid, with particular reference o colonial and other dependent territories (para. 6).

30. At its fortieth session, the Commission decided to continue at its forty-first session the discussion of the various possibilities of implementation of paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

31. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members to prepare an overview and an analysis of the suggestions and proposals which had been made in order to enable the Sub-Commission better to discharge its responsibilities in dealing with violations of human rights as discussed under item 6 (now item 2) of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter.

32. At its forty-second session, the Sub-Commission, in its decision 1990/125, took note of the report of its Working Group established pursuant to its decision 1989/104 (E/CN.4/Sub.2/1990/14) and decided that the Working Group should continue its work at the forty-third session of the Sub-Commission.

33. At its forty-third session, the Sub-Commission, by its decision 1991/101, decided to establish a sessional working group on the question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII). By its decision 1991/117, the Sub-Commission decided to establish in 1992, on an exceptional basis, an inter-sessional working group which would have as its task the elaboration of proposals for the rationalization of the work and agenda of the Sub-Commission with regard to, inter alia, methods and means of dealing with violations of human rights.

34. At its forty-eighth to fifty-second sessions, the Commission reaffirmed that one of the tasks of the Sub-Commission was a thorough examination of information concerning alleged human rights violations, as well as the presentation of the research and the results of the examination to the Commission (resolutions 1992/66, 1993/28, 1994/23, 1995/26 and 1996/25).

35. In its report (E/CN.4/Sub.2/1992/3), the inter-sessional Working Group on the methods of work of the Sub-Commission recommended to the Sub-Commission that it transmit to the sessional Working Group the document prepared by Mr. Chernichenko entitled "Draft proposal on the methods of consideration in the Sub-Commission of violations of human rights" (E/CN.4/Sub.2/1992/3/Add.1), which the inter-sessional Working Group had not been able to consider because of the limits to its terms of reference.

36. The sessional working group convened by the Sub-Commission during its forty-sixth session pursuant to Sub-Commission resolution 1993/4, adopted several recommendations relating to methods of work of the Sub-Commission regarding its agenda item dealing with violations of human rights (E/CN.4/Sub.2/1994/3, annex). In its decision 1994/117, the Sub-Commission approved the recommendations of its working group and decided that they should be strictly adhered to (see paras. 13 and 14 above).

37. Further decisions relating to the methods of consideration of the agenda item dealing with violations of human rights were adopted by the Sub-Commission at its forty-seventh to forty-ninth sessions (see paras. 16 and 20 above).

Question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII)

38. At its forty-fifth session the Sub-Commission decided, in its decision 1993/104, to study the question of the reform of the procedure governed by Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970, including the possible abolition of that procedure, at its forty-sixth session, and requested the secretariat to prepare a working paper on the subject for consideration at that session and to obtain the opinion of the United Nations Legal Counsel on the interpretation to be given to paragraph 10 of resolution 1503 (XLVIII).

39. At its forty-sixth session, the Sub-Commission had before it the working paper prepared by the secretariat (E/CN.4/Sub.2/1994/17) and the text of the opinion of the Legal Counsel (E/CN.4/Sub.2/1994/17/Add.1).

Standard-setting activities

40. With respect to standard-setting activities, the Sub-Commission will recall Commission resolution 1987/24, in which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Documentation

41. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon the recommendation of the Commission contained in its resolution 1986/31, by which the Council requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. The attention of the Sub-Commission is also drawn to other relevant resolutions concerning control and limitation of documentation, (inter alia, General Assembly resolution 33/56 and Economic and Social Council resolutions 1981/83 and 1982/50).

Item 2. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII)

42. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid, with particular reference to colonial and other dependent territories.

43. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights (see also paras. 20-21 and 29-37 above).

Situation of human rights in Belarus

44. At its fiftieth session, the Sub-Commission, in its resolution 1998/1, decided to recommend that the Commission on Human Rights consider the situation of human rights in Belarus at its next session and, if the Commission was unable to take action on the situation of human rights in Belarus, to continue consideration of the matter at its fifty-first session under the same agenda item.

Situation of human rights in the Democratic People's Republic of Korea

45. At its fiftieth session, the Sub-Commission, in its resolution 1998/2, decided to recommend that the Commission on Human Rights consider the situation of human rights in the Democratic People's Republic of Korea at its next session and, if the Commission was unable to take action on the situation of human rights in the Democratic People's Republic of Korea, to continue consideration of the matter at its fifty-first session under the same agenda item.

Violations of the rights of human rights defenders in all countries

46. At its fiftieth session, the Sub-Commission, in its resolution 1998/3, requested the United Nations High Commissioner for Human Rights to undertake inquiries about the security situation of the persons listed in the annex to that resolution and to inform the Sub-Commission, at its fifty-first session, of the results of her inquiries. The Sub-Commission decided to remain seized of the question of violations of the rights of human rights defenders at its fifty-first session under the same agenda item.

47. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1999/4).

Developments in the situation in Mexico

48. At its fiftieth session, the Sub-Commission, in its resolution 1998/4, requested the Commission on Human Rights, in the interest of prevention, to consider at its next session the developments in the human rights situation in Mexico and decided, should the Commission be unable to do so, to continue the consideration of those developments at its fifty-first session, under the same agenda item.

49. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its fifty-third session and by the Commission on Human Rights at its fifty-fifth session:

General Assembly (fifty-third session)

Resolutions

53/145	Situation of human rights in Cambodia
53/156	Situation of human rights in Rwanda
53/157	Situation of human rights in Iraq
53/158	Situation of human rights in the Islamic Republic of Iran
53/159	Situation of human rights in Haiti
53/160	Situation of human rights in the Democratic Republic of the Congo
53/161	Situation of human rights in Nigeria
53/162	Situation of human rights in Myanmar
53/163	Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

53/164 Situation of human rights in Kosovo

53/165 Situation of human rights in Afghanistan

Commission on Human Rights (fifty-fifth session)

Resolutions

1999/1 Situation of human rights in Sierra Leone

1999/2 Situation of human rights in Kosovo

1999/5 Question of the violation of human rights in the occupied Arab territories, including Palestine

1999/6 Human rights in the occupied Syrian Golan

1999/7 Israeli settlements in the occupied Arab territories

1999/8 Human rights in Cuba

1999/9 Situation of human rights in Afghanistan

1999/10 Situation of human rights in Burundi

1999/11 Situation of human rights in Nigeria

1999/12 Human rights situation in southern Lebanon and west Bekaa

1999/13 Situation of human rights in the Islamic Republic of Iran

1999/14 Situation of human rights in Iraq

1999/15 Situation of human rights in the Sudan

1999/17 Situation of human rights in Myanmar

1999/18 The situation of human rights in the Federal Republic of Yugoslavia (Serbia and Montenegro), the Republic of Croatia and Bosnia and Herzegovina

1999/19 Situation of human rights in Equatorial Guinea and assistance in the field of human rights

1999/20 Situation of human rights in Rwanda

1999/56 Situation of human rights in the Democratic Republic of the Congo

Decision

1999/103 Question of human rights in Cyprus

Item 3. Comprehensive examination of thematic issues relating to the elimination of racial discrimination:

(a) Situation of migrant workers and members of their families

(b) Xenophobia

50. The item concerning measures to combat racism and racial discrimination and the role of the Sub-Commission has been on the Sub-Commission's agenda since its thirty-first session, in 1978. At its forty-sixth session, in its resolution 1994/4, the Sub-Commission decided that, beginning at its forty-seventh session, its agenda would include annually an item concerning a comprehensive examination of thematic issues relating to racism, xenophobia, minorities and migrant workers.

51. At its fiftieth session, the Sub-Commission, in its resolution 1998/10, decided to continue to consider the question of the situation of migrant workers and members of their families at its fifty-first session.

The concept and practice of affirmative action

52. In its decision 1997/118, the Sub-Commission decided to entrust Mr. Marc Bossuyt with the preparation of a working paper on the concept of affirmative action in order to enable it to take a decision at its fiftieth session on the feasibility of a study on that subject.

53. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Bossuyt (E/CN.4/Sub.2/1998/5). In its resolution 1998/5, the Sub-Commission decided, since the subject required careful and comprehensive inquiry, to appoint Mr. Bossuyt as Special Rapporteur with the task of preparing a study on the concept and practice of affirmative action, and requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its fifty-first session.

54. At its fifty-fifth session, the Commission on Human Rights, in its decision 1999/107, decided to endorse the decision of the Sub-Commission to appoint Mr. Marc Bossuyt as Special Rapporteur to undertake a study on the concept and practice of affirmative action as described in resolution 1998/5, which would pay specific attention to the recommendations made by the Sub-Commission and the Commission so as to refine further the focus and methods of the study.

55. At the present session, the Sub-Commission will have before it a note by the secretariat on this issue (E/CN.4/Sub.2/1999/5).

World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance

56. At its fiftieth session, the Sub-Commission, in its resolution 1998/6, decided to request Mr. Paulo Sergio Pinheiro to prepare a paper on proposals for the work of the World Conference to be considered by the Sub-Commission at its fifty-first session. It also decided to discuss the World Conference further at its fifty-first session.

57. At the present session, the Sub-Commission will have before it a note by the secretariat on this issue (E/CN.4/Sub.2/1999/6).

The rights of non-citizens

58. At its fiftieth session, the Sub-Commission, in its decision 1998/103, taking into account the suggestion of the Committee on the Elimination of Racial Discrimination concerning the preparation of a study on the rights of non-citizens (see E/CN.4/Sub.2/1997/31, annex), decided to entrust Mr. David Weissbrodt with the preparation of a working paper on the rights of persons who are not citizens of the country in which they live, to be submitted under the agenda item entitled "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", in order to enable it to take a decision at its fifty-first session on the feasibility of a study on that subject.

59. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Weissbrodt (E/CN.4/Sub.2/1999/7 and Add.1).

Globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia

60. At its fiftieth session, the Sub-Commission, in its decision 1998/104, decided to entrust Mr. Joseph Oloka-Onyango with the preparation of a working paper on the topic of globalization in the context of the increase in incidents of racism, racial discrimination and xenophobia for submission under the agenda item entitled, "Comprehensive examination of thematic issues relating to the elimination of racial discrimination", to be considered at its fifty-first session, as a contribution to the preparation of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and to explore cooperation on that issue, if needed, with the Committee on the Elimination of Racial Discrimination.

61. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Oloka-Onyango (E/CN.4/Sub.2/1999/8).

62. In section V of its resolution 1999/78 relating to the World Conference against Racism and Racial Discrimination, Xenophobia and Related Intolerance, the Commission on Human Rights requested the Sub-Commission to undertake a study on ways of making United Nations activities and mechanisms in the context of programmes aimed at combating racism, racial discrimination, xenophobia and related intolerance more effective (para. 62).

63. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its fifty-third session and by the Commission on Human Rights at its fifty-fifth session:

General Assembly

Resolutions

53/131	International Convention on the Elimination of All Forms of Racial Discrimination
53/132	Third Decade to Combat Racism and Racial Discrimination and the convening of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance
53/133	Measures to combat contemporary forms of racism, racial discrimination, xenophobia and related intolerance
53/137	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families

Commission on Human Rights

Resolutions

1999/44	Human rights of migrants
1999/45	International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families
1999/78	Racism, racial discrimination, xenophobia and related intolerance

Item 4. The realization of economic, social and cultural rights

64. At its fortieth session, the Sub-Commission, in its resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights. In the period from 1989 to 1992, the Special Rapporteur on the realization of economic, social and cultural rights submitted four reports: a preliminary report (E/CN.4/Sub.2/1989/19); two progress reports (E/CN.4/Sub.2/1990/19 and E/CN.4/Sub.2/1991/17) and a final report (E/CN.4/Sub.2/1992/16). At its forty-fourth session, the Sub-Commission, in its resolution 1992/29, endorsed the recommendations contained in paragraphs 202 to 246 of the final report.

Right of access to drinking water supply and sanitation services

65. In its resolution 1997/18, the Sub-Commission decided to entrust to Mr. El Hadji Guissé the task of drafting a working paper on the question of the promotion of the realization of the right of access of everyone to drinking water supply and sanitation services. The Sub-Commission decided to consider the question at its fiftieth session and to determine the most effective way of continuing consideration of the question of the promotion of the realization of this right.

66. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Guissé (E/CN.4/Sub.2/1998/7). In its resolution 1998/7, the Sub-Commission decided to appoint Mr. Guissé as Special Rapporteur to conduct a detailed study on the relationship between the enjoyment of economic, social and cultural rights and the promotion of the realization of the right to drinking water supply and sanitation, at both the national and international levels, taking also into account questions related to the realization of the right to development, in order to determine the most effective means to reinforce activities in that field.

67. At its fifty-fifth session, the Commission on Human Rights, in its decision 1999/108, having taken note with appreciation of the working paper submitted by Mr. Guissé (E/CN.4/Sub.2/1998/7), noted that the issue of the right of individuals to drinking water supply and sanitation services remained undefined and therefore decided to request the Sub-Commission to give further consideration to that aspect in preparation for a study on the realization and promotion of that right.

Forced evictions

68. At its forty-third session, the Sub-Commission, in its resolution 1991/12, decided to review the matter of forced eviction as a gross and consistent pattern of human rights violations affecting large numbers of people and peoples.

69. Pursuant to the requests contained in Commission resolution 1993/77 and Sub-Commission resolutions 1992/14, 1993/41, 1994/39 and 1995/29, the Secretary-General prepared an analytical report on forced evictions (E/CN.4/1994/20) and reports on the guidelines on international events and forced evictions (E/CN.4/Sub.2/1995/13 and E/CN.4/Sub.2/1996/11).

70. Upon the recommendation of the Sub-Commission (resolution 1995/29), as endorsed by the Commission on Human Rights (decision 1996/104) and the Economic and Social Council (decision 1996/290), an expert seminar on the practice of forced evictions was convened in Geneva from 11 to 13 June 1997. The seminar adopted comprehensive human rights guidelines on development-based displacement (E/CN.4/Sub.2/1997/7, annex).

71. At its fiftieth session, the Sub-Commission, in its resolution 1998/9, decided to consider the issue of forced evictions at its fifty-first session.

Human rights as the primary objective of trade, investment and financial policy

72. At its fiftieth session, the Sub-Commission, in its resolution 1998/12, decided to entrust Mr. Joseph Oloka-Onyango and Ms. Deepika Udagama with the task of preparing a working paper on ways and means by which the primacy of human rights norms and standards could be better reflected in, and could better inform, international and regional trade, investment and financial policies, agreements and practices, and how the United Nations human rights bodies and mechanisms could play a central role in that regard. The Sub-Commission requested Mr. Oloka-Onyango and Ms. Udagama to include in that paper an analysis of the text of the Multilateral Agreement on Investment from a human rights perspective, and to consider ways to ensure that future negotiations on the Agreement or analogous agreements or measures take place within a human rights framework.

73. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Oloka-Onyango and Ms. Udagama (E/CN.4/Sub.2/1999/11).

Human rights and income distribution

74. At its forty-fifth session, the Sub-Commission, in its resolution 1993/40, decided to entrust Mr. Asbjørn Eide with the task of producing a preparatory document on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, at both national and international levels, taking also into account matters related to the realization of the right to development.

75. At its forty-sixth session, the Sub-Commission had before it the preparatory document prepared by Mr. Eide (E/CN.4/Sub.2/1994/21). In its resolution 1994/40, the Sub-Commission decided to appoint Mr. José Bengoa as Special Rapporteur on the relationship between the enjoyment of human rights and income distribution.

76. At its forty-eighth session, the Sub-Commission, in its resolution 1996/26, welcomed the provisional report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution, prepared by the Special Rapporteur, Mr. José Bengoa (E/CN.4/Sub.2/1996/14), and requested the Special Rapporteur to submit his final report to the Sub-Commission at its forty-ninth session.

77. At its forty-ninth session, the Sub-Commission, in its decision 1997/107 taking note that it did not have sufficient time for a comprehensive discussion of the final report of the Special Rapporteur on income distribution and human rights (E/CN.4/Sub.2/1997/9), decided to postpone to its fiftieth session the presentation by Mr. Bengoa of his final report and to request him to complete his report by preparing a supplementary document on this issue.

78. At its fiftieth session, the Sub-Commission had before it the final report and the supplementary document prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/8). In its resolution 1998/14, the Sub-Commission welcomed

the final report on the relationship between the enjoyment of human rights, in particular economic, social and cultural rights, and income distribution and its addendum, entitled "Poverty, income distribution and globalization: a challenge for human rights", and endorsed the conclusion of the final report and especially the recommendation to establish a social forum within the Sub-Commission.

79. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/53, decided that the Sub-Commission should further review, in the light of the ongoing discussions by the Commission on its working methods, the establishment of a forum on economic, social and cultural rights, to be called the Social Forum, to meet during its annual sessions with the following objectives:

(a) To exchange information on the enjoyment of economic, social and cultural rights and its relationship to the process of globalization;

(b) To follow up on the relationship between income distribution, the feminization of poverty and human rights at both the international and national levels;

(c) To follow up on situations of poverty and destitution in the world;

(d) To analyse and discuss possible guidelines on violations of economic, social and cultural rights;

(e) To propose legal standards and initiatives, guidelines and other recommendations to be considered by the Commission on Human Rights, the open-ended working group on the right to development established by the Commission at its fifty-fourth session, the Committee on Economic, Social and Cultural Rights, the specialized agencies and other entities of the United Nations system.

Right to food

80. In its decision 1997/108, the Sub-Commission decided to request Mr. Asbjørn Eide to review and update his study on the right to food submitted in 1987 (Human Rights Study Series No. 1, United Nations publication, Sales No. E.89.XIV.2) and to submit the updated study to the Sub-Commission at its fiftieth session.

81. At its fiftieth session, the Sub-Commission had before it the updated report prepared by Mr. Eide. In its decision 1998/106, the Sub-Commission decided to request Mr. Eide to complete the review and update of the report on the right to food and to submit the final version of the updated study to the Sub-Commission at its fifty-first session.

82. At the present session, the Sub-Commission will have before it the updated study prepared by Mr. Eide (E/CN.4/Sub.2/1999/12).

Sub-item (a) The international economic order and the promotion of human rights

83. The Sub-Commission at its thirty-first session, by decision 6 (XXXI) of 15 September 1978, added to its agenda an item entitled "The new international economic order and the promotion of human rights". In its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. In its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis. No decision has been adopted under this item by the Sub-Commission since its forty-first session.

Sub-item (b) The realization of the right to development

84. At its forty-eighth session, the Sub-Commission adopted resolution 1996/22, in which it decided to continue consideration of questions relating to the realization of the right to development as a sub-item under the agenda item entitled "The realization of economic, social and cultural rights", so as to enable the members of the Sub-Commission to contribute to the consideration by the Commission on Human Rights of the promotion of the realization of the right to development. The Sub-Commission requested the Secretary-General to invite all relevant United Nations bodies and agencies to step up their action aimed at promoting international cooperation for the realization of the right to development in the context of the United Nations Decade for the Elimination of Poverty (1997-2006) and to provide him with the information thereon, and requested him to transmit annually to the Sub-Commission the information received. The Sub-Commission also decided to review annually the progress in international cooperation towards the implementation of the right to development in the context of human rights and the Decade.

85. At its fiftieth session, the Sub-Commission, in its decision 1998/105, recalling its resolution 1996/22, entitled "Tenth anniversary of the adoption of the Declaration on the Right to Development", requested the Commission on Human Rights to transmit the full text of resolution 1996/22 once again to the Secretary-General.

86. At the present session, the Sub-Commission will have before it a report of the Secretary-General (E/CN.4/Sub.2/1999/30).

Sub-item (c) The question of transnational corporations

87. At its forty-sixth session, the Sub-Commission, in its resolution 1994/37, requested the Secretary-General to prepare a background document examining the relationship between the enjoyment of human rights, in particular international labour and trade union rights, and the working methods and activities of transnational corporations.

88. At its forty-seventh session, the Sub-Commission, in its resolution 1995/31, endorsed the background document of the Secretary-General as requested in its resolution 1994/37 (E/CN.4/Sub.2/1995/11). It also requested the Secretary-General to prepare a report on the impact of the activities and working methods of transnational corporations on the full

enjoyment of all human rights, in particular economic, social and cultural rights and the right to development, bearing in mind existing international guidelines, rules and standards relating to the subject-matter.

89. At its forty-eighth session, the Sub-Commission, in its resolution 1996/39, endorsed the report of the Secretary-General on the subject submitted in accordance with its resolution 1995/31 (E/CN.4/Sub.2/1996/12) and decided to transmit the background document prepared by the Secretary-General and the report of the Secretary-General to the Commission on Human Rights for consideration and action.

90. In its resolution 1997/11, the Sub-Commission decided to entrust Mr. El Hadji Guissé with the task of preparing a background document on the question of the relationship between the enjoyment of human rights and the working methods and activities of transnational corporations, for submission to the Sub-Commission at its fiftieth session.

91. At its fiftieth session, the Sub-Commission had before it the background document prepared by Mr. Guissé (E/CN.4/Sub.2/1998/6). In its resolution 1998/8, the Sub-Commission decided to establish, for a three-year period, a sessional working group of the Sub-Commission, composed of five of its members, taking into account the principle of equitable geographical distribution, to examine the working methods and activities of transnational corporations, with the following mandate:

(a) To identify and examine the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as civil and political rights;

(b) To examine, receive and gather information, including any working paper submitted by a member of the Sub-Commission, on the effects of the working methods and activities of transnational corporations on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights;

(c) To analyse the compatibility of the various international human rights instruments with the various investment agreements, regional as well as international, including, in particular, the Multilateral Agreement on Investment;

(d) To make recommendations and proposals relating to the methods of work and activities of transnational corporations in order to ensure that such methods and activities are in keeping with the economic and social objectives of the countries in which they operate, and to promote the enjoyment of economic, social and cultural rights and the right to development as well as of civil and political rights;

(e) To prepare each year a list of countries and transnational corporations, indicating, in United States dollars, their gross national product and financial turnover, respectively;

(f) To consider the scope of the obligation of States to regulate the activities of transnational corporations, where their activities have or are likely to have a significant impact on the enjoyment of economic, social and cultural rights and the right to development, as well as of civil and political rights, of all persons within their jurisdiction.

92. The report of the sessional working group to the fifty-first session of the Sub-Commission will be issued as document E/CN.4/Sub.2/1999/9.

Sub-item (d) The realization of the right to education, including education in human rights

93. In its resolution 1997/7, the Sub-Commission decided to place the question of the right to education, and particularly human rights education, on its agenda for the duration of the United Nations Decade for Human Rights Education (1995-2004). The Sub-Commission requested Mr. Mustapha Mehedi to prepare a working paper on the right to education, and particularly human rights education, for submission to the Sub-Commission at its fiftieth session.

94. At its fiftieth session, the Sub-Commission had before it the working paper prepared by Mr. Mehedi (E/CN.4/Sub.2/1998/10). In its resolution 1998/11, the Sub-Commission requested Mr. Mehedi to prepare a more detailed working paper on the right to education, including human rights education, for submission to the Sub-Commission at its fifty-first session, the purpose of the working paper being to explain the content of the right to education, taking account, in particular, of its social dimension and the freedoms it includes and of its dual civil and political rights and economic, social and cultural rights character, and to identify ways and means of promoting human rights education.

95. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Mehedi (E/CN.4/Sub.2/1999/10).

Other matters

96. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to General Assembly resolutions 53/146, entitled "Human rights and extreme poverty" and 53/155, entitled "Right to development".

97. The Sub-Commission may also wish to note the following resolutions and decisions adopted by the Commission at its fifty-fifth session:

Resolutions

1999/21 Human rights and unilateral coercive measures

1999/22 Effects on the full enjoyment of human rights of the economic adjustment policies arising from foreign debt and, in particular, on the implementation of the Declaration on the Right to Development

1999/23 Adverse effects of the illicit movement and dumping of toxic and dangerous products and wastes on the enjoyment of human rights

1999/24 The right to food

1999/25 Question of the realization in all countries of the economic, social and cultural rights contained in the Universal Declaration of Human Rights and in the International Covenant on Economic, Social and Cultural Rights, and study of special problems which the developing countries face in their efforts to achieve these human rights

1999/26 Human rights and extreme poverty

1999/53 Forum on economic, social and cultural rights: the Social Forum

1999/58 Impunity of perpetrators of violations of economic, social and cultural rights

1999/64 United Nations Decade for Human Rights Education

1999/79 The right to development

Decision

1999/104 Effects of structural adjustment policies on the full enjoyment of human rights

Item 5. The implementation of human rights with regard to women

98. At its thirty-seventh session, in 1984, the Sub-Commission decided to include in its agenda a sub-item on the prevention of discrimination and protection of women. At its forty-sixth session, in decision 1994/101, the Sub-Commission decided to delete from its agenda the sub-item entitled "Prevention of discrimination and protection of women" and to insert a new agenda item, entitled "Prevention of discrimination against women". Subsequently, in its resolution 1994/43, the Sub-Commission decided to replace the title of the item by "The implementation of the human rights of women".

99. At its fiftieth session, the Commission on Human Rights adopted resolution 1994/45, in which it decided to appoint a special rapporteur on violence against women, including its causes and its consequences, who would report to the Commission on an annual basis beginning at its fifty-first session. Subsequently, the Chairman of the Commission appointed Ms. Radhika Coomaraswamy (Sri Lanka) as Special Rapporteur. The Special Rapporteur submitted reports to the Commission at its fifty-first (E/CN.4/1995/42), fifty-second (E/CN.4/1996/53 and Add.1 and Add.1/Corr.1 and Add.2), fifty-third (E/CN.4/1997/47 and Add.1-4), fifty-fourth (E/CN.4/1998/54 and Add.1) and fifty-fifth (E/CN.4/1999/68 and Add.1-4) sessions.

100. At its forty-seventh session, in its resolution 1995/26 the Sub-Commission decided to consider the human rights of women and the girl child under every item of its agenda, as well as in all relevant studies undertaken by the Sub-Commission.

101. At its forty-ninth session, in resolution 1997/9, the Sub-Commission requested that, where appropriate, future studies submitted to it include gender-disaggregated statistics and discuss ways in which gender affects the various forms of abuse to which women are subjected, the consequences of those abuses, the availability and accessibility of remedies, the relationship between the abuses suffered by women and the subordinate status of women in public and private life, any gaps in existing international standards of protection, and gender-specific recommendations to remedy these violations.

Situation of women in Afghanistan

102. At its fiftieth session, the Sub-Commission, in its resolution 1998/17, requested the Secretary-General to provide it with all relevant information on this question that was available within the United Nations system and decided to continue consideration of the question at its fifty-first session under the same agenda item.

103. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1999/13).

Sub-item (a) Traditional practices affecting the health of women and the girl child

104. The Sub-Commission, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children. Consequently, the Economic and Social Council endorsed, in its resolution 1984/34, the request of the Commission on Human Rights that a working group of experts should undertake such a study. The Commission, at its forty-second session, had before it the report of the Working Group (E/CN.4/1986/42).

105. The Sub-Commission at its fortieth session, in resolution 1988/34, requested Ms. Halima Embarek Warzazi to study recent developments with regard to traditional practices affecting the health of women and children. The Special Rapporteur subsequently submitted to the Sub-Commission, at its forty-first and forty-third sessions, her preliminary and final reports contained, respectively, in documents E/CN.4/Sub.2/1989/42 and Add.1 and E/CN.4/Sub.2/1991/6.

106. At its forty-third session, the Sub-Commission also had before it the report of the regional seminar on that subject held in Burkina Faso from 29 April to 3 May 1991 (E/CN.4/Sub.2/1991/48).

107. At its forty-sixth session the Sub-Commission, in its resolution 1994/30, having taken note of the report of the regional

seminar held in Sri Lanka from 4 to 8 July 1994 (E/CN.4/Sub.2/1994/10 and Corr.1), adopted the Plan of Action for the Elimination of Harmful Traditional Practices affecting the Health of Women and Children (E/CN.4/Sub.2/1994/10/Add.1 and Corr.1).

108. The Commission on Human Rights, at its fifty-first session, in its decision 1995/112, endorsed the recommendation contained in Sub-Commission resolution 1994/30, to extend the mandate of the Special Rapporteur for two more years.

109. At its forty-seventh and forty-eighth sessions, the Sub-Commission had before it, respectively, the preliminary (E/CN.4/Sub.2/1995/6) and the final report of the Special Rapporteur (E/CN.4/Sub.2/1996/6). In its resolution 1996/19, the Sub-Commission decided to extend the mandate of the Special Rapporteur for a further two years. This decision was endorsed by the Commission on Human Rights in its decision 1997/108.

110. At its forty-ninth and fiftieth sessions, the Sub-Commission had before it, respectively, the progress report (E/CN.4/Sub.2/1997/10 and Add.1) and the second report prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/11). In its resolution 1998/16, the Sub-Commission recommended that the mandate of the Special Rapporteur be extended to ensure the completion of her task as called for in its resolution 1996/19 and at the same time to enable her to follow up recent developments at all levels, including the General Assembly. The Special Rapporteur was requested to submit her report on the follow-up to the implementation of the Plan of Action to the Sub-Commission at its fifty-first session.

111. At the present session, the Sub-Commission will have before it the report of the Special Rapporteur (E/CN.4/Sub.2/1999/14).

Sub-item (b) <u>The role and equal participation of women in development</u>

112. At its thirty-ninth session, the Sub-Commission adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item on its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

113. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

<u>Other matters</u>

114. In discussing this item, the Sub-Commission may also wish to take into account the following resolutions and decisions adopted by the General Assembly at its fifty-third session and by the Commission on Human Rights at its fifty-fifth session:

General Assembly

53/116 Traffic in women and girls

53/117 Traditional or customary practices affecting the health of women and girls

53/118 Convention on the Elimination of All Forms of Discrimination against Women

53/119 Improvement of the status of women in the Secretariat

53/120 Follow-up to the Fourth World Conference on Women and full implementation of the Beijing Declaration and the Platform for Action

Commission on Human Rights

1999/40 Traffic in women and girls

1999/41 Integrating the human rights of women throughout the United Nations system

1999/42 Elimination of violence against women

Item 6. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

115. In its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

116. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decision 16 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery in its resolution 11 (XXVII) of 21 August 1974. In its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery should be changed to "Working Group on Contemporary Forms of Slavery".

117. At each session, the Working Group reviews information received on the status and the implementation of conventions on slavery and slavery-like practices, reviews developments in other fields of contemporary forms of slavery and considers the recommendations adopted at previous sessions. In its resolution 1989/41, the Sub-Commission decided to consider those matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

118. At its fiftieth session, in its resolution 1998/19 on the report of the Working Group on Contemporary Forms of Slavery, the Sub-Commission addressed the issues of the traffic in persons and exploitation of the prostitution of others (part I), prevention of the trans-border traffic in women and girls for sexual exploitation (part II), the role of corruption in the perpetuation of slavery and slavery-like practices (part III), misuse of the Internet for the purpose of sexual exploitation (part IV), implementation of the conventions on slavery (part V), child domestic workers (part VI), child labour - a gender perspective (part VII), debt bondage and bonded labour (part VIII), the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography (part IX) and miscellaneous questions (part X). The Sub-Commission, inter alia, decided to follow closely the work being done on the proposed optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women and the proposed option protocol to the Convention on the Rights of the Child on the sale of children, child prostitution and child pornography (para. 11) and to consider further and in depth the extent and severity of corruption and the relationship of corruption to slavery and slavery-like practices (para. 30); requested the Secretary-General to seek the views and suggestions of Member States and of intergovernmental and non-governmental organizations on proposals for future action of the Working Group on Contemporary Forms of Slavery with a view to their replies being considered at forthcoming sessions of the Working Group (para. 59); and decided, in arranging its agenda, to make provision for adequate discussion of the Working Group's report near the commencement of each session, thereby strengthening its involvement in the activities of the Working Group (para. 68).

119. At the present session, the Sub-Commission will have before it the report of the Working Group on Contemporary Forms of Slavery on its twenty-fourth session (E/CN.4/Sub.2/1999/17), held from 23 June to 2 July 1999.

Sale of children, child prostitution and child pornography

120. In its resolution 1992/74, the Commission on Human Rights adopted the Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography submitted by the Sub-Commission. The Commission requested all States to inform periodically the Sub-Commission of measures adopted to implement the Programme of Action and on the efficacy of such measures, and requested the Sub-Commission to submit every two years a report to the Commission on the state of implementation of the Programme of Action by all States.

121. At its fiftieth session, the Sub-Commission, in its resolution 1998/19, requested the Secretary-General to invite all States to inform the Working Group on Contemporary Forms of Slavery of measures adopted to implement the

Programme of Action for the Prevention of the Sale of Children, Child Prostitution and Child Pornography and to report thereon to the Sub-Commission and to the Commission at their next sessions.

122. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1999/15).

United Nations Voluntary Trust Fund on Contemporary Forms of Slavery

123. In its resolution 46/122, the General Assembly decided to establish a voluntary trust fund on contemporary forms of slavery, the purposes of which should be, first, to assist representatives of non-governmental organizations from different regions, dealing with issues of contemporary forms of slavery, to participate in the deliberations of the Working Group on Contemporary Forms of Slavery by providing them with financial assistance and, second, to extend, through established channels of assistance, humanitarian, legal and financial aid to individuals whose human rights have been severely violated as a result of contemporary forms of slavery. It also decided that the Fund should be administered in accordance with the Financial Regulations and Rules of the United Nations and other relevant provisions, with the advice of a board of trustees composed of five persons with relevant experience in the field of human rights and contemporary forms of slavery in particular, who would serve in their personal capacity; and that the members of the Board of Trustees should be appointed by the Secretary-General for a renewable three-year term in consultation with the current Chairman of the Sub-Commission and with due regard to equitable geographical distribution.

124. At its fiftieth session, the Sub-Commission, in its resolution 1998/20, inter alia noted with satisfaction the participation of the representatives of non-governmental organizations financed by the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery; urged all Governments, non-governmental organizations, other private and public entities and individuals to contribute annually to the Fund in order to enable the Fund to fulfil its mandate effectively; and decided to continue to examine the situation and the activities of the Trust Fund at its fifty-first session.

Slavery and slavery-like practices during wartime

125. At its forty-sixth session, in its decision 1994/109, the Sub-Commission decided to invite Ms. Linda Chavez to prepare a working paper on the situation of systematic rape, sexual slavery and slavery-like practices during wartime, including internal conflict. At its forty-seventh session, the Sub-Commission had before it the working paper prepared by Ms. Chavez (E/CN.4/Sub.2/1995/38).

126. In its decision 1996/107, the Commission on Human Rights endorsed the decision of the Sub-Commission (resolution 1995/14) to appoint Ms. Linda Chavez a Special Rapporteur with the task of undertaking an in-depth study of the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict.

127. At its forty-eighth session, the Sub-Commission, in its resolution 1996/11, welcomed the preliminary report of Ms. Linda Chavez (E/CN.4/Sub.2/1996/26) and requested the Special Rapporteur to submit her

final report to the Sub-Commission at its forty-ninth session in conformity with the plan contained in her working paper (E/CN.4/Sub.2/1995/38).

128. At its forty-ninth session, the Sub-Commission had before it a note by the secretariat (E/CN.4/Sub.2/1997/12) informing the Sub-Commission of the resignation of Ms. Chavez as Special Rapporteur. In its decision 1997/114, the Sub-Commission decided to entrust Ms. Gay J. McDougall with the task of completing the study for submission to the Sub-Commission at its fiftieth session.

129. At its fiftieth session, the Sub-Commission had before it the final report on the situation of systematic rape, sexual slavery and slavery-like practices during periods of armed conflict prepared by Ms. McDougall (E/CN.4/Sub.2/1998/13). In its resolution 1998/18, the Sub-Commission recommended that the final report of the Special Rapporteur be published by the United Nations in all the official languages and widely distributed by the Office of the United Nations High Commissioner for Human Rights. The Sub-Commission requested that the Special Rapporteur's mandate be extended for a further year and that Ms. McDougall, as Special Rapporteur, submit an update on recent developments with respect to her mandate to the Sub-Commission at its fifty-first session.

130. In its decision 1999/105, the Commission on Human Rights approved the above requests of the Sub-Commission.

131. At the present session, the Sub-Commission will have before it a note by the secretariat concerning the update on slavery and slavery-like practices during wartime (E/CN.4/Sub.2/1999/16).

Item 7. Human rights of indigenous peoples

Working Group on Indigenous Populations

132. In its resolution 1982/34, the Economic and Social Council authorized the Sub-Commission to establish annually a working group to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication, Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

133. The Working Group on Indigenous Populations held 16 sessions prior to 1999. It submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and

Add.1, E/CN.4/Sub.2/1987/22 and Add.1, E/CN.4/Sub.2/1988/24 and Add.1-2, E/CN.4/Sub.2/1989/36, E/CN.4/Sub.2/1990/42, E/CN.4/Sub.2/1991/40 and Rev.1, E/CN.4/Sub.2/1992/33, E/CN.4/Sub.2/1993/29 and Add.1-2, E/CN.4/Sub.2/1994/30, E/CN.4/Sub.2/1995/24, E/CN.4/Sub.2/1996/21 and Corr.1, E/CN.4/Sub.2/1997/14, E/CN.4/Sub.2/1998/16) to the Sub-Commission. These reports were also made available to the Commission.

134 At the present session, the Sub-Commission will have before it the report of the Working Group on its seventeenth session (E/CN.4/Sub.2/1999/19).

International Decade of the World's Indigenous People

135. The General Assembly, in its resolution 48/163 of 21 December 1993, proclaimed the International Decade of the World's Indigenous People, commencing on 10 December 1994.

136. The General Assembly, in its resolution 49/214, decided that the International Day of Indigenous People should be observed on 9 August every year during the Decade. In its resolution 50/157, the Assembly adopted the programme of activities for the Decade contained in the annex to that resolution. In its resolution 52/108, the Assembly decided to appoint the High Commissioner for Human Rights as coordinator for the Decade.

137. The General Assembly, in its resolution 53/129, inter alia, noted that the programme of activities for the International Decade of the World's Indigenous People might be reviewed and updated throughout the Decade and that, at the mid-point of the Decade in 1999, the Economic and Social Council and the General Assembly should review the results of the activities in order to identify obstacles to achievement of the goals of the Decade and to recommend solutions for overcoming those obstacles.

Study on treaties, agreements and other constructive arrangements between States and indigenous populations

138. In its resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned.

139. In accordance with a recommendation made by the Commission in its resolution 1988/56, the Economic and Social Council, in decision 1988/134, authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations.

140. In its resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur (E/CN.4/Sub.2/1988/24/Add.1, annex III). The Economic and Social Council, on the basis of recommendations

by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

141. At its forty-second session, in resolution 1990/28, the Sub-Commission requested the Special Rapporteur to submit a preliminary report on his study to the Working Group on Indigenous Populations and the Sub-Commission. The preliminary report (E/CN.4/Sub.2/1991/33) was submitted to the Sub-Commission at its forty-third session.

142. At its forty-fourth session, the Sub-Commission had before it the progress report of the Special Rapporteur (E/CN.4/Sub.2/1992/32). In its decision 1992/110, the Sub-Commission requested the Special Rapporteur to submit a second progress report on the study to the Working Group on Indigenous Populations at its twelfth session and to the Sub-Commission at its forty-sixth session.

143. At its forty-seventh session, the Sub-Commission had before it the second progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/27). In its decision 1995/118, the Sub-Commission requested the Special Rapporteur to submit a third progress report to the Working Group on Indigenous Populations at its fourteenth session and to the Sub-Commission at its forty-eighth session.

144. At its forty-eighth session, the Sub-Commission had before it the third progress report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/23). In its decision 1996/118, the Sub-Commission requested the Special Rapporteur to submit his final report in time for it to be considered by the Working Group on Indigenous Populations at its fifteenth session and by the Sub-Commission at its forty-ninth session.

145. At its forty-ninth session, the Sub-Commission, in its decision 1997/110, decided to take note of the Special Rapporteur's explanation of the reasons for not submitting his final report at that session, urged him to submit his final report in due time so as to allow it to be discussed by the Working Group at its sixteenth session and by the Sub-Commission at its fiftieth session.

146. At its fiftieth session, the Sub-Commission, in its decision 1998/107, considering that the late submission by the Special Rapporteur of his final report on the study allowed only limited discussion of his report during the 1998 sessions of the Working Group on Indigenous Populations and the Sub-Commission, decided to request the Special Rapporteur to submit, not later than 31 March 1999 and in order for further discussions on his final report to take place during the Working Group's seventeenth session and the Sub-Commission's fifty-first session, a new version of his final report.

147. At the present session, the Sub-Commission will have before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1999/20).

Protection of the heritage of indigenous people

148. At its forty-second session, the Sub-Commission, in resolution 1990/25, entrusted Ms. Erica-Irene A. Daes with the preparation of a working paper on the question of the ownership and control of the cultural property of indigenous peoples.

149. At its forty-third session, the Sub-Commission had before it the working paper prepared by Ms. Daes (E/CN.4/Sub.2/1991/34). In its resolution 1991/32, the Sub-Commission decided to entrust Ms. Daes with the further task of preparing a study of measures which should be taken by the international community to strengthen respect for the cultural property of indigenous peoples. By Commission decision 1992/114 and Economic and Social Council decision 1992/256, Ms. Daes was appointed Special Rapporteur to prepare a study on this issue.

150. At its forty-fifth session, the Sub-Commission had before it the report prepared by the Special Rapporteur (E/CN.4/Sub.2/1993/28). In its resolution 1993/44, the Sub-Commission endorsed the conclusions and recommendations contained in the report, and requested the Special Rapporteur to expand her study with a view to elaborating draft principles and guidelines for the protection of the heritage of indigenous peoples.

151. In its decision 1994/274 of 25 July 1994, the Economic and Social Council authorized the Special Rapporteur to update and expand the study and approved the new title of the study: "Protection of the heritage of indigenous people".

152. At its forty-sixth session, the Sub-Commission had before it the preliminary report (E/CN.4/Sub.2/1994/31), as well as proposed principles and guidelines prepared by the Special Rapporteur, annexed to the report.

153. At its forty-seventh session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1995/26). In its resolution 1995/40, the Sub-Commission requested the Special Rapporteur to prepare a supplementary report. At its forty-eighth session, the Sub-Commission had before it the supplementary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1996/22). Pursuant to Sub-Commission resolution 1996/37, the High Commissioner/Centre for Human Rights organized, on 6 and 7 March 1997, a technical meeting of representatives of the United Nations agencies. The report of the technical meeting was issued as document E/CN.4/Sub.2/1997/15.

154. Pursuant to Commission on Human Rights decision 1997/112, approved by ECOSOC decision 1997/287, Ms. Daes was entrusted with a continuing mandate to exchange information with all parts of the United Nations system involved in activities concerned with the heritage of indigenous people, with the purpose of facilitating cooperation and coordination and of promoting the full participation of indigenous people in those efforts.

155. At its forty-ninth session, the Sub-Commission, in its resolution 1997/13, requested the United Nations High Commissioner for Human Rights to convene a seminar on the draft principles and guidelines for the

protection of the heritage of indigenous peoples (E/CN.4/Sub.2/1994/31, annex) with the participation of the Special Rapporteur and representatives of Governments, United Nations bodies and organizations, specialized agencies, organizations of indigenous peoples and competent indigenous persons. The Commission on Human Rights, in its decision 1998/103, approved this request. The seminar is scheduled to be held in Geneva from 28 February to 1 March 2000.

Permanent forum for indigenous people

156. In its resolution 48/163, the General Assembly requested the Commission on Human Rights to give priority consideration to the establishment of a permanent forum for indigenous people in the United Nations system. In its resolution 1994/28, the Commission requested the Working Group on Indigenous populations to consider the question and submit its suggestions, through the Sub-Commission, to the Commission.

157. Upon the recommendation of the Sub-Commission (resolution 1994/50), as endorsed by the Commission on Human Rights (resolution 1995/30, a workshop on a possible permanent forum for indigenous people was organized in Copenhagen from 26 to 28 June 1995. The report of the workshop was issued as document E/CN.4/Sub.2/AC.4/1995/7 and Add.1-3.

158. Following the recommendations of the General Assembly (resolution 50/157), the Sub-Commission (resolution 1996/35) and the Commission on Human Rights (resolution 1997/30), a second workshop on a possible permanent forum for indigenous people within the United Nations system was held in Santiago de Chile from 20 June to 2 July 1997.

159. Having taken note of the report of the second workshop (E/CN.4/1998/11 and Add.1-2) and of the recommendations of the General Assembly in its resolution 52/108, the Commission on Human Rights, in its resolution 1998/20, decided to establish an open-ended inter-sessional ad hoc working group to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system.

160. At its fifty-fifth session, the Commission on Human Rights had before it the report of the ad hoc working group (E/CN.4/1999/83). In its resolution 1999/52, the Commission decided to re-establish the working group and requested it to submit, with a view to completing its task, concrete proposals for consideration by the Commission at its fifty-sixth session.

United Nations Voluntary Fund for Indigenous Populations

161. As recommended by the Sub-Commission in its resolution 1984/35 C, the Commission in its resolution 1985/29 and the Economic and Social Council in its resolution 1985/38, the General Assembly, in resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other public or private entities. The

General Assembly, in its resolution 50/156, decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional working group of the Commission on Human Rights established by the Commission in its resolution 1995/32. In its resolution 53/130, the General Assembly decided that the Voluntary Fund should also be used to assist representatives of indigenous communities and organizations to participate in the deliberations of the open-ended inter-sessional ad hoc working group of the Commission on Human Rights established by the Commission in its resolution 1998/20 to elaborate and consider further proposals for the possible establishment of a permanent forum for indigenous people within the United Nations system. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its twelfth session from 12 to 14 April 1999.

Sub-item (a) Indigenous peoples and their relationship to land

162. At its forty-eighth session, the Sub-Commission, in its resolution 1996/38, recommended that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Erica-Irene A. Daes as Special Rapporteur to conduct a comprehensive study on the problem of recognition of and respect for indigenous land rights, which would, inter alia, provide: (a) a detailed and updated account of the status of efforts to secure indigenous land rights and of the problems that continue to exist in this regard; and (b) a catalogue of existing national laws, policies and procedures concerning indigenous land rights.

163. At its fifty-third session, the Commission on Human Rights, in its decision 1997/114, approved the appointment of Ms. Daes as Special Rapporteur to prepare a working paper on indigenous people and their relationship to land with a view to suggesting practical measures to address ongoing problems in this regard.

164. At its forty-ninth session, the Sub-Commission had before it the preliminary working paper prepared by Ms. Daes (E/CN.4/Sub.2/1997/17). In its resolution 1997/12, the Sub-Commission requested the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others.

165. At its fiftieth session, the Sub-Commission had before it a progress report on the working paper, prepared by the Special Rapporteur (E/CN.4/Sub.2/1998/15). In its resolution 1998/21, the Sub-Commission requested the Special Rapporteur to prepare her final working paper on the basis of the comments and information received from Governments, indigenous peoples and others and to submit it to the Working Group on Indigenous Populations at its seventeenth session and to the Sub-Commission at its fifty-first session.

166. At the present session, the Sub-Commission will have before it the final working paper prepared by Ms. Daes (E/CN.4/Sub.2/1999/18).

Other matters

167. In discussing this item, the Sub-Commission may also wish to take into account the reports of the first, second, third and fourth sessions of the working group established in accordance with Commission on Human Rights resolution 1995/32 (E/CN.4/1996/84, E/CN.4/1997/102, E/CN.4/1998/106 and Corr.1 and E/CN.4/1999/82). The working group was established for the sole purpose of elaborating a draft declaration, considering the "Draft United Nations declaration on the rights of indigenous peoples" as adopted by the Sub-Commission in its resolution 1994/45.

168. The attention of the Sub-Commission is also drawn to the following resolutions and decision adopted by the General Assembly at its fifty-third session and by the Commission at its fifty-fifth session:

General Assembly

53/129 International Decade of the World's Indigenous People

53/130 United Nations Voluntary Fund for Indigenous Populations

Commission on Human Rights

Resolutions

1999/50 Working Group of the Commission on Human Rights to elaborate a draft declaration in accordance with paragraph 5 of General Assembly resolution 49/214 of 23 December 1994

1999/51 Working Group on Indigenous Populations of the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the International Decade of the World's Indigenous People

1999/52 A permanent forum for indigenous people in the United Nations system

Decision

1999/106 Study on indigenous land rights

Item 8. Prevention of discrimination against and the protection of minorities

169. At its forty-first session, the Sub-Commission, in its resolution 1989/44, having examined the working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities (E/CN.4/Sub.2/1989/43) prepared by Ms. Claire Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider those issues at its future sessions under a separate agenda item.

170. The General Assembly adopted the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities in its resolution 47/135. In the same resolution, the General Assembly invited the relevant organs and bodies of the United Nations, including treaty bodies and representatives of the Commission and the Sub-Commission, to give due regard to the Declaration within their mandates.

171. At its forty-fifth session, having considered the final report submitted by Mr. Eide (E/CN.4/Sub.2/1993/34 and Add.1-4), the Sub-Commission, in its resolution 1993/43, entrusted Mr. Eide with the task of preparing a working paper containing suggestions for a programme for the prevention of discrimination and protection of minorities. At its forty-sixth session, the Sub-Commission had before it the working paper submitted by Mr. Eide (E/CN.4/Sub.2/1994/36 and Corr.1).

172. As recommended by the Sub-Commission in its resolution 1994/4, the Commission, in its resolution 1995/24, decided to authorize the Sub-Commission to establish, initially for a three-year period, an inter-sessional working group consisting of five of its members, to meet each year for five working days in order to promote the rights of persons belonging to national or ethnic, religious and linguistic minorities, as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities, and in particular to:

(a) Review the promotion and practical realization of the Declaration;

(b) Examine possible solutions to problems involving minorities, including the promotion of mutual understanding between and among minorities and Governments;

(c) Recommend further measures, as appropriate, for the promotion and protection of the rights of persons belonging to national or ethnic, religious and linguistic minorities.

173. The Working Group on Minorities held four sessions prior to 1999. It submitted detailed reports (E/CN.4/Sub.2/1996/2, E/CN.4/Sub.2/1996/28, E/CN.4/Sub.2/1997/18 and E/CN.4/Sub.2/1998/18) to the Sub-Commission. These reports were also made available to the Commission on Human Rights.

174. As recommended by the Sub-Commission in its resolution 1997/23, the Commission on Human Rights, in its resolution 1998/19, decided to extend the mandate of the Working Group on Minorities with a view to its holding one session of five working days annually.

175. At the present session, the Sub-Commission will have before it the report of the Working Group on its fifth session (E/CN.4/Sub.2/1999/21), which was held from 25 to 31 May 1999.

176. With regard to the issues under this item, the attention of the Sub-Commission is also drawn to Commission on Human Rights resolution 1999/48, entitled "Rights of persons belonging to national or ethnic, religious and linguistic minorities".

Item 9. The administration of justice and human rights

Sessional working group on the administration of justice

177. At its thirty-fourth (1981) and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons. At its forty-sixth session, the Sub-Commission decided, in its decision 1994/104, to establish a sessional working group on the administration of justice and the question of compensation in place of a sessional working group on detention.

178. At its fiftieth session, in its decision 1998/110, the Sub-Commission, having taken note with satisfaction of the report of the sessional working group on the administration of justice (E/CN.4/Sub.2/1998/19), decided to endorse the following decisions of the working group: (a) to transmit the draft international convention on the protection of all persons from enforced disappearance, as revised, to the Commission on Human Rights for consideration (Sub-Commission resolution 1998/25); (b) to request Mr. El Hadji Guissé to continue the preparation for the working group of an annual report on the evolution of capital punishment; (c) to request Mr. Miguel Alfonso Martínez to submit to the working group an annual update on the privatization of prisons, taking into account the note prepared by Ms. Françoise Jane Hampson on this subject and any other relevant documents; (c) to request Mr. Héctor Fix Zamudio to submit a working paper to the working group on a possible study entitled "Improvement and efficiency of the judicial instruments for the protection of human rights at the national level and their impact at the international level".

Sub-item (a) Question of human rights and states of emergency

179. At its thirty-fifth session, the Sub-Commission had before it the final report on the implications for human rights of states of siege or emergency (E/CN.4/Sub.2/1982/15) prepared by the Special Rapporteur, Ms. Nicole Questiaux.

180. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, in its resolution 1985/37, authorized the Sub-Commission to appoint a special rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; and (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency.

181. The Special Rapporteur, Mr. Leandro Despouy, has presented to the Sub-Commission and to the Commission on Human Rights an explanatory paper (E/CN.4/Sub.2/1985/19) and his first, second, third, fourth, fifth, sixth, seventh, eighth, ninth and tenth reports and lists of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, including the revised and updated versions of those reports (E/CN.4/Sub.2/1987/19/Rev.1 and Add.1-2; E/CN.4/Sub.2/1988/18/Rev.1; E/CN.4/Sub.2/1989/30/Rev.2; E/CN.4/Sub.2/1991/28/Rev.1;

E/CN.4/Sub.2/1992/23/Rev.1; E/CN.4/Sub.2/1993/23/Rev.1; E/CN.4/Sub.2/1994/23 and Corr.1 and Add.1; E/CN.4/Sub.2/1995/20 and Corr.1 and Add.1; E/CN.4/Sub.2/1996/19 and Corr.1 and Add.1; E/CN.4/Sub.2/1997/19 and Add.1).

182. Pursuant to the request contained in decision 1991/262 of the Economic and Social Council, the Special Rapporteur presented to the Sub-Commission and to the Commission on Human Rights the draft guidelines for the development of legislation on states of emergency, which were contained in annex I to his fourth annual report (E/CN.4/Sub.2/1991/28/Rev.1).

183. At its fifty-fourth session, the Commission on Human Rights, in its decision 1998/108, noting Sub-Commission resolution 1997/27, decided to request the Office of the United Nations High Commissioner for Human Rights to submit to the Sub-Commission at its fifty-first session and every second year thereafter, a list of States in which a state of emergency had been proclaimed or was continued during the reporting period.

184. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1999/31).

Sub-item (b) Application of international standards concerning the human rights of detained juveniles

185. In its resolution 1989/31, the Sub-Commission requested the Secretary-General to update the report of the Secretary-General on the incarceration of children under the age of 18 with adult prisoners (E/CN.4/Sub.2/1987/30). In addition, it decided to appoint Mrs. María Concepción Bautista to prepare a report on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization and the objectives of institutional treatment. At its forty-second session, the Sub-Commission, had before it the reports of the Secretary-General (E/CN.4/Sub.2/1990/25 and Add.1-2 and E/CN.4/Sub.2/1990/26 and Add.1-2). The Special Rapporteur submitted her report (E/CN.4/Sub.2/1991/24) as well as a note containing a study prepared by Defence for Children International (E/CN.4/Sub.2/1991/50) to the Sub-Commission at its forty-third session.

186. At its forty-fourth session, the Sub-Commission had before it the final report of the Special Rapporteur (E/CN.4/Sub.2/1992/20) and a note by the Secretary-General (E/CN.4/Sub.2/1992/20/Add.1) containing a proposal to organize a meeting of experts on the application of international standards concerning the human rights of detained juveniles.

187. The expert group meeting on children and juveniles in detention was held at Vienna from 30 October to 4 November 1994. At its forty-seventh session, the Sub-Commission had before it the report of the Secretary-General on this meeting (E/CN.4/1995/100). The Sub-Commission also had before it a note by the Secretary-General on the situation of children deprived of their liberty (E/CN.4/Sub.2/1995/30).

188. At its forty-ninth session, the Sub-Commission adopted resolution 1997/24, entitled "Situation of street children and minor

detainees", in which it, inter alia, requested the Commission on Human Rights to consider the possibility of appointing a special rapporteur on the human rights situation of street children.

189. In connection with this sub-item, the Sub-Commission may wish to note parts VII (Protection of children working and/or living on the street) and VIII (Promotion and protection of the rights of children alleged to have or recognized as having infringed the penal law) of resolution 1999/80 adopted by the Commission on Human Rights at its fifty-fifth session.

Sub-item (c) Gross and massive violations of human rights as an international crime

190. At its forty-fifth session, the Sub-Commission had before it a working paper on the definition of gross and large-scale violations of human rights as an international crime prepared by Mr. Stanislav Chernichenko (E/CN.4/Sub.2/1993/10 and Corr.1).

191. In its resolutions 1993/30, 1994/28 and 1995/22, the Sub-Commission decided to recommend that the Commission on Human Rights appoint Mr. Chernichenko as Special Rapporteur to prepare a report entitled "Recognition of gross and large-scale violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime".

192. The Commission on Human Rights, in its decisions 1994/103 and 1995/111, requested the Sub-Commission to reconsider its recommendation. In its decision 1996/105, the Commission on Human Rights bearing in mind the work of other United Nations bodies on this issue, notably that of the International Law Commission, and mindful of the need to avoid unnecessary duplication, decided to postpone the decision on forwarding to the Economic and Social Council the draft decision of the Sub-Commission authorizing the preparation of a report on the recognition of gross and large-scale violations of human rights as an international crime in order to be able to take into account the work of other United Nations bodies in this field, including that of the International Law Commission.

193. At its forty-eighth session, the Sub-Commission, in its decision 1996/116, believing that an expanded working paper on the subject would contribute to a better understanding of the subject and would not interfere with the work of other United Nations bodies, decided to request Mr. Chernichenko to prepare an expanded working paper to be entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of the Governments or sanctioned by them as an international crime".

194. At its forty-ninth session, the Sub-Commission had before it the expanded working paper prepared by Mr. Chernichenko (E/CN.4/Sub.2/1997/29). In its decision 1997/116, the Sub-Commission decided to request the sessional working group on the administration of justice to continue its consideration of the expanded working paper prepared by Mr. Chernichenko and for that purpose to transmit the working paper, through the Secretary-General, to the International Law Commission, so that the Commission's comments might be considered at the next session of the working group.

195. At its fiftieth session, the Sub-Commission, in its decision 1998/110, having noted that the issue of the recognition of gross and massive violations of human rights as an international crime was being addressed by the International Law Commission and in the Statute of the International Criminal Court, decided to take note of the decision of its sessional working group on the administration of justice to delete the item of its agenda entitled "Recognition of gross and massive violations of human rights perpetrated on the orders of Governments or sanctioned by them as an international crime", in order to avoid duplication with the work undertaken by other bodies.

Sub-item (d) Juvenile justice

196. At its forty-ninth session, the Sub-Commission, in its resolution 1997/25, decided to request Ms. Lucy Gwanmesia to prepare, without financial implications, a detailed working paper on juvenile justice to be submitted to the Sub-Commission at its fiftieth session.

197. During the election of members of the Sub-Commission held at the fifty-fourth session of the Commission on Human Rights, Ms. Gwanmesia was not re-elected.

198. At its fiftieth session, in its decision 1998/110, the Sub-Commission decided to take note of the decision of its working group on the administration of justice, pursuant to Commission resolution 1998/28, to delete the item of its agenda entitled "Juvenile justice", in order to avoid duplication with the work undertaken by other bodies.

Sub-item (e) Privatization of prisons

199. At its forty-first session, in decision 1989/110, the Sub-Commission requested Mr. Miguel Alfonso Martínez to prepare a working paper containing proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons.

200. At its forty-third, forty-fourth and forty-fifth sessions, the Sub-Commission had before it, respectively, the working paper submitted by Mr. Alfonso Martínez (E/CN.4/Sub.2/1991/56), a working paper submitted by the Secretary-General (E/CN.4/Sub.2/1992/21) and an outline prepared by Mrs. Palley (E/CN.4/Sub.2/1993/21). In its decision 1993/109, the Sub-Commission requested the Commission on Human Rights to authorize it to appoint one of its members to undertake a special study.

201. In its decision 1994/103, the Commission requested the Sub-Commission to reconsider its decisions to recommend a number of new studies and related efforts, including the above-mentioned study. The Commission also decided that it was unnecessary or premature to make any determination on those studies and related efforts and requested the Sub-Commission to present its recommendations to the Commission.

202. No decision was taken by the Sub-Commission on this issue at its forty-sixth to forty-eighth sessions.

203. At its forty-ninth session, the Sub-Commission, in its resolution 1997/26, decided to request its parent bodies to authorize it to appoint Mr. Ali Khan as special rapporteur in order to undertake an in-depth study on all issues relating to the privatization of prisons, including the obligation to respect and implement the legislation in force in the country concerned and the possible civil responsibility of enterprises managing private prisons and their employees, a study which should be completed in time for consideration by the Sub-Commission at its fifty-second session.

204. At its fifty-fourth session, the Commission on Human Rights, in its resolution 1998/32, requested the Sub-Commission to reconsider its recommendation to appoint a Special Rapporteur on the privatization of prisons.

Sub-item (f) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

205. In its resolution 26 (XXXVI) of 11 March 1980, the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one can be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who has been convicted. The Sub-Commission was requested to study the question and to submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3-E/CN.4/Sub.2/1984/43, paras. 235-237), but no action was taken.

Other matters

206. With regard to the issues under this item, the Sub-Commission may also wish to note the following resolutions adopted by the Commission at its fifty-fifth session:

1999/29	Hostage-taking
1999/30	Question of a draft optional protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
1999/31	Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers
1999/32	Torture and other cruel, inhuman or degrading treatment or punishment
1999/33	The right to restitution, compensation and rehabilitation for victims of grave violations of human rights and fundamental freedoms
1999/34	Impunity

1999/35 Extrajudicial, summary or arbitrary executions

1999/36 Right to freedom of opinion and expression

1999/37 Question of arbitrary detention

1999/38 Question of enforced or involuntary disappearances

1999/61 Question of the death penalty.

Item 10. Freedom of movement

207. At its forty-fourth session, the Sub-Commission, by its decision 1992/112, decided to include in the provisional agenda of its forty-fifth session an item provisionally entitled "Freedom of movement".

Sub-item (a) The right to leave any country, including one's own, and to return to one's own country, and the right to seek asylum from persecution

208. At its fortieth session, in resolution 1988/39, the Sub-Commission, having noted the report (E/CN.4/Sub.2/1988/35 and Add.1) on the right of everyone to leave any country, including his own, and to return to his country, prepared by Mr. C.L.C. Mubanga-Chipoya, and the draft declaration on this subject contained in annex I to the report, decided to consider this issue as a separate item of its agenda.

209. At its forty-third session, the Sub-Commission had before it the revised version of the draft declaration (E/CN.4/Sub.2/1991/44) and the report of the sessional Working Group (E/CN.4/Sub.2/1991/45). By its decision 1991/114, the Sub-Commission decided to transmit to the Commission the report of the 1991 session of the Working Group, inviting the Commission to provide comments and guidance on the issues mentioned in the report.

210. No action was taken by the Commission on Human Rights on this issue at its forty-eighth and subsequent sessions.

211. In its resolution 1995/13, the Sub-Commission decided to keep under constant review respect for the right to freedom of movement, including the right to seek asylum, the right to remain and the right to return. In its resolution 1996/9, the Sub-Commission decided to continue to study the question of the right to freedom of movement, including the right to remain, the right to leave and seek asylum and the right to return.

212. In its decision 1996/102, the Sub-Commission decided to add a new sub-item, entitled "The right to leave any country, including one's own, and to return to one's own country", to the item of its agenda entitled "Freedom of movement".

213. In its decision 1996/109, the Sub-Commission, mindful of the links between the protection of minorities, prevention of discrimination, population movements and displacements, freedom of movement, the right to leave and to return to one's own country and the right to seek and enjoy asylum, decided to entrust Mr. Volodymyr Boutkevitch with the task of preparing, a working paper on the right to freedom of movement and related issues.

214. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mr. Boutkevitch (E/CN.4/Sub.2/1997/22). In its resolution 1997/30, the Sub-Commission decided, since the subject required careful and comprehensive inquiry, to recommend to the Commission on Human Rights and the Economic and Social Council the appointment of Mr. Boutkevitch as special rapporteur with the task of preparing an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, to have the possibility to enter other countries without discrimination, and to seek and enjoy asylum, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights.

215. The Commission on Human Rights, in its decision 1998/105, decided to return to the question of the appointment of Mr. Boutkevitch as special rapporteur on the right of everyone to leave any country, including his own, and to return to his country, at its fifty-fifth session, on the basis of a further and extended working paper.

216. No decision was taken by the Sub-Commission on this issue at its fiftieth session.

Sub-item (b) Human rights and population displacements

217. At its forty-sixth session, the Sub-Commission by its resolution 1994/24 decided to include, under the agenda item "Freedom of movement", a sub-item relating to questions of displacement entitled "Population displacement".

218. At its forty-seventh session, the Sub-Commission, in its resolution 1995/13, entitled "The right to freedom of movement", requested its Working Group on Minorities to examine, inter alia, as part of its mandate concerning examination of possible solutions to problems involving minorities, issues relating to forcible displacement of populations, including threats of removal, and the return of persons who have been displaced. The Sub-Commission decided to continue its consideration of the question of population displacement under the agenda item entitled "Freedom of movement".

Housing and property restitution in the context of the return of refugees and internally displaced persons

219. At its fiftieth session, in its resolution 1998/26, the Sub-Commission decided to consider the issue of return to place of residence and housing for refugees and internally displaced persons at its fifty-first session to determine how most effectively to continue its consideration of those issues.

Freedom of movement and population transfer

220. In its resolution 1991/28, the Sub-Commission recognized that population transfer affected the basic human rights and freedoms of the peoples concerned, including the original inhabitants, the people removed and the settlers, and decided to include the question of the human rights dimensions of population transfers, including the implantation of settlers and settlements, in its future work programme with a view to considering further

effective action on this matter, taking into account the working paper submitted by Mrs. Christy Ezim Mbonu (E/CN.4/Sub.2/1991/47) and other relevant materials.

221. At its forty-fourth session, in its resolution 1992/28, the Sub-Commission entrusted Mr. Awn Shawkat Al-Khasawneh and Mr. Ribot Hatano, as Special Rapporteurs, with preparing a preliminary study on the human rights dimensions of population transfer, including the implantation of settlers and settlements.

222. At its forty-fifth session the Sub-Commission, in resolution 1993/34, endorsed the conclusions and recommendations of the preliminary report (E/CN.4/Sub.2/1993/17 and Corr.1). It expressed its regret that Mr. Hatano was unable to be further involved in the work on this subject as one of the Special Rapporteurs and requested Mr. Al-Khasawneh, as Special Rapporteur, to continue the study.

223. At its forty-eighth session, the Sub-Commission, in its resolution 1996/9, reiterated its request to the Secretary-General that he convene an expert seminar on population transfer. The expert seminar on population transfer was held at Geneva from 17 to 21 February 1997.

224. At its forty-ninth session, the Sub-Commission had before it the final report prepared by the Special Rapporteur (E/CN.4/Sub.2/1997/23). In its resolution 1997/29, the Sub-Commission welcomed the final report and the draft declaration on population transfer and the implantation of settlers annexed thereto, as a first step towards defining the standards and legal norms pertaining to population transfer and the freedom of movement. The Sub-Commission decided, in its further work on the right to freedom of movement, to examine the legal standards applicable to different types of forced displacement and any lacunae between those standards. It also decided to convene a further expert seminar to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement. The Sub-Commission further decided to recommend to the Commission on Human Rights that the final report of the Special Rapporteur on human rights and population transfer, Mr. Awn Al-Khasawneh, be published and widely disseminated. This decision was approved by the Commission on Human Rights (decision 1998/106) and by the Economic and Social Council (decision 1998/292).

225. At its fiftieth session, the Sub-Commission, in its resolution 1998/27, decided to convene an expert seminar, in close cooperation with relevant intergovernmental and non-governmental organizations, if necessary without financial implications, to assist in and to make practical recommendations for the further work of the Sub-Commission on the right to freedom of movement, in particular with respect to a study on the legal standards applicable to different types of forced displacement and any lacunae in those standards, for submission to the Sub-Commission at its fifty-second session.

226. In connection with this item the attention of the Sub-Commission is also drawn to General Assembly resolution 53/143, entitled "Respect for the right to universal freedom of travel and the vital importance of family reunification", and Commission on Human Rights resolution 1999/47, entitled "Internally displaced persons".

Item 11. Situation regarding the promotion, full realization and protection of the rights of children and youth

227. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

228. At its thirty-eighth session, the Sub-Commission, in its resolution 1985/12, referring, inter alia, to Commission resolution 1985/13, requested Mr. Dumitru Mazilu to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work, in order to facilitate the Sub-Commission's discussion of the topic.

229. At its forty-second session, the Sub-Commission, in resolution 1990/32, having considered the updated report of the Special Rapporteur, decided to request Mr. Mazilu to update and complete his report. The Special Rapporteur submitted his progress report (E/CN.4/Sub.2/1991/42) to the Sub-Commission at its forty-third session and his final report (E/CN.4/Sub.2/1992/36) at its forty-fourth session.

230. At its forty-ninth session, the Sub-Commission placed on its agenda an item entitled "Promotion and protection of human rights of children and youth". In its resolution 1997/32, entitled "Role of the Sub-Commission in the promotion, full realization and protection of the rights of children and youth", the Sub-Commission decided to continue to review as a separate item of its agenda and with due priority, the situation regarding the promotion, full realization and protection of the rights of children and youth.

231. With regard to the issues under this item, the Sub-Commission may also wish to note the following resolutions adopted by the General Assembly at its fifty-third session and by the Commission at its fifty-fifth session:

General Assembly

53/127 The girl child

53/128 The rights of the child

Commission on Human Rights

1999/43 Abduction of children from northern Uganda

1999/80 Rights of the child

Item 12. Review of further developments in fields with which the Sub-Commission has been or may be concerned

232. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at the present session, will have before it a note by the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1999/23).

233. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organization (ILO) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1999/24 and E/CN.4/Sub.2/1999/25 respectively.

Promotion of dialogue on human rights issues

234. At its fiftieth session, in its resolution 1998/28, the Sub-Commission inter alia reiterated its commitment to international cooperation in the field of human rights, and invited governmental and non-governmental observers to carry out constructive dialogue and consultations on human rights issues and to facilitate the formulation and adoption of resolutions and decisions. The Sub-Commission decided to continue its consideration of the question at its fifty-first session.

Adverse effects of anti-personnel landmines

235. Since its forty-seventh session, the Sub-Commission, in its resolutions 1995/24, 1996/15 and 1997/33 entitled "Injurious effects of anti-personnel landmines", decided to consider this question at its next session in order to ensure the necessary follow-up within he framework of the full enjoyment of human rights and the strengthening of international humanitarian law.

236. At its fiftieth session, the Sub-Commission, in its resolution 1998/30, decided to consider the question at its fifty-first session under the same agenda item and to establish the necessary measures to ensure the follow-up and implementation of international humanitarian law and treaties in order that everyone might fully enjoy all their human rights.

Reservations to human rights treaties

237. At its fiftieth session, the Sub-Commission, in its decision 1998/113, decided to request Ms. Françoise Jane Hampson to prepare a working paper on the question of reservations to human rights treaties, including an examination of the number and scope of such reservations, their impact on the scope of the obligation accepted by States, reservations to the procedural provisions of human rights treaties, including opting-out clauses, and the role and responsibility of monitoring bodies in relation to reservations to human rights treaties, and to submit the working paper at its fifty-first session.

238. At the present session, the Sub-Commission will have before it the working paper prepared by Ms. Hampson (E/CN.4/Sub.2/1999/28).

The protection of human rights in the context of human immunodeficiency virus (HIV) or acquired immune deficiency syndrome (AIDS)

239. At its forty-ninth session, the Sub-Commission adopted resolution 1997/40 in which it inter alia decided to keep the issue of HIV/AIDS-related human rights violations and discrimination under review, and to give consideration to the issue under relevant items of its agenda, as well as in the work of its relevant working groups and special rapporteurs.

240. With regard to this issue, the attention of the Sub-Commission is also drawn to Commission resolution 1999/49.

Sub-item (a) Review of developments concerning recommendations and decisions relating, inter alia, to:

(i) Promotion, protection and restoration of human rights at national, regional and international levels

241. In order to streamline its work, the Sub-Commission, at its thirty-sixth session, decided to combine and discuss together various interrelated questions which previously constituted separate items of its agenda. As a result, the present sub-item (a) (i) has been included in the agenda since that session.

Globalization and its impact on the full enjoyment of all human rights

242. At its fifty-fifth session, the Commission on Human Rights, in its resolution 1999/59 adopted under its agenda item entitled "Promotion and protection of human rights", inter alia, requested the Sub-Commission on Prevention of Discrimination and Protection of Minorities to undertake a study, based on the reports of the treaty bodies, special rapporteurs, independent experts and working groups of the Commission on the issue of globalization and its impact on the full enjoyment of all human rights, for the consideration of the Commission at its fifty-seventh session.

243. In discussing this sub-item, the Sub-Commission may also wish to take into account the following resolutions adopted by the Commission on Human Rights at its fifty-fifth session:

1999/57 Promotion of the right to democracy

1999/60 Development of public information activities in the field of human rights, including the World Public Information Campaign on Human Rights

1999/62 Towards a culture of peace

1999/65 Fundamental standards of humanity

1999/66 Implementation of the Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Reorganized Human Rights and Fundamental Freedoms

1999/67 Convention on the Prevention and Punishment of the Crime of Genocide

1999/68 Enhancement of international cooperation in the field of human rights

1999/69 Regional cooperation for the promotion and protection of human rights in the Asian and Pacific region

1999/71 Regional arrangements for the promotion and protection of human rights

1999/72 National institutions for the promotion and protection of human rights

1999/73 Mainstreaming technical cooperation in all areas of human rights

Sub-item (a) (iii) Encouragement of universal acceptance of human rights instruments and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions

244. By its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission to consider ways and means of encouraging Governments which have not yet done so to ratify or adhere to international human rights instruments. By the same resolution, the Sub-Commission requested the Secretary-General, well before the annual session of the Sub-Commission, to write to Governments which had not yet accepted the human rights instruments, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to those instruments and to explain any particular difficulties which they might face in respect of which the United Nations could offer any assistance. The Sub-Commission invited its sessional Working Group to examine the replies received from Governments and to consider what forms of assistance could be provided to Governments by the United Nations in that regard.

245. At its thirty-eighth session, the Sub-Commission, in resolution 1985/5, decided to suspend the work of the Working Group until further review of its mandate and requested its Chairman to appoint one of its members to report to it on information received under the resolution.

246. At its forty-sixth session, the Sub-Commission, in its resolution 1994/31, considering that since 1979, the year when the Sub-Commission began systematically to address the issue of encouraging universal ratification of international human rights instruments, no substantive progress has been made in its attempt to convince Governments of the utility of the involvement of the United Nations in assisting them to ratify human rights instruments, and taking note of the absence of any formal response from Member States to the invitations extended to them to offer clarification as to why they were unable to ratify those instruments, decided to discontinue consideration of this matter under a separate agenda item. The Sub-Commission also decided to take up these issues when they arose under the existing items of its agenda.

247. At its fiftieth session, the Sub-Commission, in its decision 1998/115, decided to request Mr. Vladimir Kartashkin to prepare a working paper on ways in which the Sub-Commission could examine the observance of the human rights

and fundamental freedoms contained in the Universal Declaration of Human Rights by States which were not parties to United Nations human rights conventions and to submit it to the Sub-Commission at its fifty-first session. The Sub-Commission also decided to amend the title of the sub-item entitled "Encouragement of universal acceptance of human rights instruments" by adding the words "and observance of the human rights and fundamental freedoms contained in the Universal Declaration of Human Rights by States which are not parties to United Nations human rights conventions", and to make this an annual sub-item of the agenda.

248. At the present session, the Sub-Commission wil have before it the working paper prepared by Mr. Kartashkin (E/CN.4/Sub.2/1999/29).

Sub-item (b) Review of issues not previously the subject of studies but which the Sub-Commission had decided to examine

(i) Implications of humanitarian activities for the enjoyment of human rights

249. At its forty-fifth session the Sub-Commission decided, in its decision 1993/102, to include on its agenda a new item, entitled "Implications of humanitarian activities for the enjoyment of human rights". At the same session the Sub-Commission decided, in its resolution 1993/38, to recommend that the Commission on Human Rights authorize the Sub-Commission to appoint Ms. Claire Palley as special rapporteur on the question of the various modalities of the possibility of United Nations action under the Charter relating to humanitarian assistance when addressing humanitarian problems, taking into account the principle of non-intervention and other principles of general international law enshrined therein and the need further to develop international cooperation in the humanitarian field and the promotion and protection of human rights. This recommendation was not approved by the Commission at its fiftieth session (decision 1994/103).

250. At its forty-sixth session, the Sub-Commission, in its resolution 1994/25, expressed its appreciation to Ms. Palley for her preparatory document on the subject (E/CN.4/Sub.2/1994/39) and decided to recommend to the Commission on Human Rights the appointment of Ms. Palley as Special Rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

251. At its fifty-first session, the Commission, in its decision 1995/107, having due regard for the importance for all United Nations organs and bodies to consider the impact of their activities on human rights, but also having regard for the need for the Sub-Commission to avoid making judgements on issues within the responsibility of other United Nations bodies and to avoid overloading its agenda, decided not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing a study on the question.

252. At its forty-seventh session, the Sub-Commission, in its resolution 1995/19, having taken note of Commission on Human Rights decision 1995/107 and the need expressed therein for the Sub-Commission to avoid making judgements on issues that are within the responsibility of other United Nations bodies, decided to recommend again that the Commission on Human Rights authorize the Sub-Commission to designate one of its members as special rapporteur of the Sub-Commission on the question of the implications for human rights of United Nations action under the Charter, including humanitarian assistance, in addressing international humanitarian problems and in the promotion and protection of human rights.

253. At its fifty-second session, the Commission, in its decision 1996/106, decided not to forward to the Economic and Social Council the draft decision of the Sub-Commission authorizing such a study.

254. At its fiftieth session, the Sub-Commission, in its decision 1998/112, decided to continue consideration of the adverse consequences of economic sanctions on human rights at its fifty-first session under the agenda sub-item entitled "Implications of humanitarian activities for the enjoyment of human rights".

Sub-item (b) (ii) Terrorism and human rights

255. At its forty-sixth session, the Sub-Commission, in its resolution 1994/18, decided, in accordance with Commission on Human Rights resolution 1994/46, to entrust Mr. Said Naceur Ramadhane with the task of preparing a working paper on the question of terrorism and human rights, to be considered at its forty-seventh session.

256. No working paper was submitted by Mr. Ramadhane to the Sub-Commission.

257. At its forty-eighth session, the Sub-Commission, in its resolution 1996/20, decided to entrust Mrs. Kalliopi K. Koufa with the task of preparing a working paper on the question of terrorism and human rights.

258. At its forty-ninth session, the Sub-Commission had before it the working paper prepared by Mrs. Koufa (E/CN.4/Sub.2/1997/28). In its resolution 1997/39, the Sub-Commission recommended that the Commission on Human Rights authorize the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper.

259. At its forty-fourth session, the Commission on Human Rights, in its decision 1998/107, decided to approve the appointment of Mrs. Koufa as Special Rapporteur to conduct a comprehensive study on terrorism and human rights on the basis of her working paper, and to request the Special Rapporteur to submit her preliminary report to the Sub-Commission at its fiftieth session, a progress report at its fifty-first session and a final report at its fifty-second session.

260. At its fiftieth session, the Sub-Commission had before it a note by the secretariat on this subject (E/CN.4/Sub.2/1998/24). In its resolution 1998/29, the Sub-Commission requested the Special Rapporteur to

elaborate a preliminary report based on her working paper and to submit it to the Sub-Commission at its fifty-first session, a progress report at its fifty-second session and a final report at its fifty-third session.

261. At the present session, the Sub-Commission will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1999/27).

262. The attention of the Sub-Commission is also drawn to Commission on Human Rights resolution 1999/27, entitled "Human rights and terrorism".

Sub-item (c) Human rights and disability

263. In its resolution 1984/20, the Sub-Commission decided to inscribe on its agenda an item entitled "Human rights and disability". In the same resolution, the Sub-Commission decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26.

264. At its forty-third session, the Sub-Commission considered and approved the final report of the Special Rapporteur (E/CN.4/Sub.2/1991/31). The Sub-Commission adopted resolution 1991/19, in which it welcomed the recommendations contained in the report, in particular those relating to the implementation of the human rights of disabled persons.

265. The Commission, in its resolution 1992/48, invited human rights treaty monitoring bodies, notably the Committee on Economic, Social and Cultural Rights and the Human Rights Committee, to monitor the compliance of States with their commitments under the relevant human rights instruments in order to ensure the full enjoyment of those rights by disabled persons. In its resolutions 1993/29, 1994/27, 1995/58, 1996/27 and 1998/31, the Commission reiterated that invitation.

266. In its resolution 1992/48, the Commission requested the Secretary-General to issue the final report of the Special Rapporteur as a United Nations publication in all official languages. The final report was published as No. 6 in the Study Series, under the title Human Rights and Disabled Persons (E.92.XIV.4).

267. With respect to the present item, the attention of the Sub-Commission is also drawn to General Assembly resolution 48/96 of 20 December 1993, in which the Assembly adopted the Standard Rules on the Equalization of Opportunities for Persons with Disabilities and decided to appoint, within the framework of the Commission for Social Development, a special rapporteur to monitor their implementation (Part IV, para. 2). In addition, the Vienna Declaration and Programme of Action made specific reference to the rights of disabled persons (Part I, para. 22 and Part II B, sect. 6).

268. The Sub-Commission, in its resolution 1995/17, requested the Secretary-General to report to the Sub-Commission regarding coordination endeavours which affect persons with disabilities, with emphasis on activities of the other United Nations organizations and bodies that deal with alleged violations of the legal obligations of States under the International Bill

of Human Rights and United Nations treaties that protect persons with disabilities. At its forty-eighth session, the Sub-Commission had before it the report of the Secretary-General (E/CN.4/Sub.2/1996/27).

Sub-item (d) Other new developments:

(i) Adverse consequences of the transfer of arms and illicit trafficking in arms on the enjoyment of human rights

269. At its forty-ninth session, the Sub-Commission, in its resolution 1997/36, having considered the report of the Secretary-General on information gathered by him pursuant to Sub-Commission resolution 1996/16 on the use of nuclear weapons, chemical weapons, fuel-air bombs, napalm, cluster bombs, biological weaponry and weaponry containing depleted uranium and their consequential and cumulative effects and the danger they represent to life, physical security and other human rights (E/CN.4/Sub.2/1997/27) and the many serious questions raised therein, decided to authorize Ms. Clemencia Forero Ucros to prepare a working paper, in the context of human rights and humanitarian norms, assessing the utility, scope and structure of a study on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering.

270. In its resolution 1997/37, the Sub-Commission, deeply concerned at the recurrence of armed conflicts exacerbated by the illicit transfer of arms, their incidence on the enjoyment of human rights and on the application of international humanitarian law, as well as by their adverse consequences for international and regional peace and security, decided to authorize the inclusion of the question of illicit transfer of arms in the preliminary document concerning a study in the context of human rights and humanitarian norms, on weapons of mass destruction or with indiscriminate effect, or of a nature to cause superfluous injury or unnecessary suffering, to be submitted to the Sub-Commission at its fiftieth session.

271. At its fiftieth session, the Sub-Commission had before it a note by the secretariat (E/CN.4/Sub.2/1998/23). In its decision 1998/111, the Sub-Commission, having taken note of the circumstances surrounding the inability of Ms. Forero Ucros to submit her working paper, decided to request her to submit it to the Sub-Commission at its fifty-first session.

272. At the present session, the Sub-Commission will have before it a note by the secretariat (E/CN.4/Sub.2/1999/26).

Sub-item (d) (ii) Arbitrary deprivation of nationality

273. At its fifty-third session, the Commission on Human Rights, in its resolution 1997/36, entitled "Human rights and arbitrary deprivation of nationality", requested the Secretary-General to transmit the resolution to Governments, intergovernmental and non-governmental organizations and the Sub-Commission and to request their views thereon.

274. The Commission on Human Rights, in its resolutions 1998/48 and 1999/28, urged the appropriate mechanisms of the Commission on Human Rights and the

pertinent United Nations treaty bodies to continue to collect information on this question from all relevant sources and to take account of such information, together with any recommendations thereon, in their reports. The Commission decided to remain seized of this matter.

Item 13. Communications concerning human rights: report of the Working Group on Communications established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

275. In its resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 F (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission adopted resolution 1 (XXIV) of 13 August 1971 containing provisional procedures for dealing with the question of admissibility of communications. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. It has met annually prior to each session of the Sub-Commission and submitted to it a confidential report.

276. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the Working Group on Communications and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

277. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

278. By decision 3 (XXXIV) of 3 March 1978, the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications to be present during the deliberations of the Commission on that item and to take the floor if he or she so wished.

279. A number of other procedural steps have been taken at the Commission level, or by the Economic and Social Council, with regard to the application

of the procedure governed by Council resolution 1503 (XLVIII). From 1974 to 1989, the Commission every year established a working group (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations as to what course of action the Commission might take in respect of each particular situation. By resolution 1990/41, the Economic and Social Council authorized the establishment of the Commission's Working Group on Situations on a permanent basis, instead of the earlier ad hoc basis. The recommendations of the Working Group on Situations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

280. By decision 1990/112, the Sub-Commission decided that the Working Group on Communications, acting under paragraph 1 of Council resolution 1503 (XLVIII), should in the future consider only those communications that had been transmitted to the Governments concerned under Council resolution 728 F (XXVIII) not later than 12 weeks prior to the meetings of the Working Group. At its forthcoming session, to be held from 19 to 30 July 1999, the Working Group on Communications will, accordingly, consider communications received and processed by the secretariat since 1 May 1998 and forwarded to the Governments concerned not later than 26 April 1999.

281. Since its forty-first session in 1989, the Sub-Commission has voted by secret ballot on all decisions adopted under the procedure governed by Council resolution 1503 (XLVIII). In 1989 and 1990, this was done by way of suspending rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council and, since 1991, by reference to Council resolution 1991/32 of 31 May 1991 on the strengthening of the independence of the members of the Sub-Commission.

282. The Sub-Commission's attention is also drawn to paragraph 6 of its last confidential report, which relates to matters kept pending until its fifty-first session.

283. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications on its meetings from 19 to 30 July 1999;

(b) Relevant documentation referred to in paragraph 6 of the Sub-Commission's last confidential report;

(c) The text of the confidential decisions of the Commission's fifty-fifth session and other documents relating thereto, including the confidential summary records of that session, as available;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII);

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) from May 1998 to April 1999, as well as the index lists of government replies from July 1998 to June 1999.

284. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 14. Concluding items

Sub-item (a) Consideration of the future work of the Sub-Commission

285. At its forty-eighth session, the Sub-Commission placed on its agenda, as a separate sub-item, an item entitled "Consideration of the future work of the Sub-Commission".

286. In connection with this sub-item, the attention of the Sub-Commission is drawn to the statement concerning the review of mechanisms of the Commission on Human Rights, agreed upon by consensus by the Commission and made by its Chairperson on 29 April 1999. In this statement, the Commission, inter alia, decided to recommend to the Economic and Social Council that the title of the Sub-Commission on Prevention of Discrimination and Protection of Minorities be immediately changed to "Sub-Commission on the Promotion and Protection of Human Rights". The Commission requested its inter-sessional working group on enhancing the effectiveness of the mechanisms of the Commission to draw up recommendations for change for submission to its fifty-sixth session, taking account of recommendation 12 relating to the Sub-Commission contained in the report of the Bureau of the fifty-fourth session of the Commission (E/CN.4/1999/104, para. 56). The Commission requested the working group to focus, in drawing up its recommendations, on the role and mandate of the Sub-Commission (bearing in mind the need to avoid duplication with the Commission and the central importance of the Sub-Commission's original role as a source of research, studies and expert advice), its composition (size, independence and expertise of membership, geographical balance) and questions of effectiveness and efficiency, including the duration of meetings.

287. The attention of the Sub-Commission is also drawn to Commission resolution 1999/81, entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities" (see para. 23 above).

Sub-item (b) Draft provisional agenda for the fifty-second session of the Sub-Commission

288. The Economic and Social Council, in its resolution 1984 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

289. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the fifty-first session, a note containing a draft provisional agenda for the fifty-second session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1999/L.1).

Sub-item (c) Adoption of the report on the fifty-first session

290. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session.

Annex

LIST OF THE MEMBERS AND ALTERNATES OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Note: The year given against the names of the Sub-Commission members and alternates represents the year when the term of office expires; the terms of office expire upon election of members of the Sub-Commission at the fifty-sixth (2000) session or at the fifty-eighth (2002) session of the Commission on Human Rights.

Mr. Miguel Alfonso Martínez	(Cuba)	2000
* Ms. Marianela Ferriol Echevarría		
Mr. José Bengoa	(Chile)	2002
* Mr. Alejandro Salinas Rivera		
Mr. Marc Bossuyt	(Belgium)	2000
* Mr. Guy Genot		
Mr. Volodymyr Boutkevitch	(Ukraine)	2000
* Mr. Oleg Shamshur		
Ms. Erica-Irene A. Daes	(Greece)	2002
* Ms. Kalliopi Koufa		
Mr. Asbjørn Eide	(Norway)	2000
* Mr. Jan Helgesen		
Mr. Fan Guoxiang	(China)	2002
* Mr. Zhong Shukong		
Mr. Héctor Fix-Zamudio	(Mexico)	2002
* Mr. Alfonso Gómez-Robledo Veduzco		
Mrs. Clemencia Forero Ucros	(Colombia)	2000
* Mr. Alberto Diaz Uribe		
Mr. Rajenda Kalidas Wimala Goonesekere	(Sri Lanka)	2002
* Ms. Deepika Udagama		
Mr. El-Hadji Guissé	(Senegal)	2002
Ms. Françoise Jane Hampson	(United Kingdom of Great Britain and Northern Ireland)	2002
* Ms. Helena Cook		

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* Alternate

Mr. Ribot Hatano * Mr. Yozo Yokota	(Japan)	2000
Mr. Louis Joinet * Mr. Emmanuel Decaux	(France)	2002
Mr. Ahmad Khalifa * Mr. Ahmed Khalil	(Egypt)	2000
Mr. Ioan Maxim * Mr. Antoanella Iulia Motoc	(Romania)	2000
Mr. Mustapha Mehedi	(Algeria)	2000
Mr. Joseph Oloka-Onyango	(Uganda)	2002
Mr. Sang Yong Park * Mr. Myung Chul Hahm	(Republic of Korea)	2000
Mr. Paulo Sérgio Pinhheiro * Ms. Marília S. Zelner Gonçalves	(Brazil)	2002
Mr. Teimuraz O. Ramishvili * Mr. Vladimir Kartashkin	(Russian Federation)	2002
Mr. Yeung Kam Yeung Sik Yuen	(Mauritius)	2002
Mr. Soli Jehangir Sorabjee	(India)	2002
Ms. Halima Embarek Warzazi	(Morocco)	2000
Mr. David Weissbrodt * Ms. Gay J. McDougall	(United States of America)	2000
Mr. Fisseha Yimer	(Ethiopia)	2000

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* Alternate